1997/96

CB 160 .4 /42-43

The Psoor murder case

Judgement
in

Criminal Referred case No 1 of 1942-43
under 67 of the Special Criminal
Courts Act 1942

The Isoor Murder Case

Judgment

in

Criminal Referred Case No. 1 of 42-43
under Sec 7 of the Special Criminal
Courts, Act, 1942.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Saturday, the 9th day of January 1943.

BEFORE

SIR D'ARCY REILLY, CHIEF JUSTICE.

CRIMINAL REFERRED CASE NO. 1 OF 1942-1943.

Registered Upon reading ~~x~~ proceeding No. 156 dated the 12th day of December 1942 from the Special Judge appointed for the Shimoga District under Section 3 of the Special Criminal Courts Act, 1942, referring for review under Section 7 of the Act the proceedings of the Special Judge in Criminal Case No. 1 of 1942-43 on his file -

HEARD :- Messrs K.S. Jayarama Iyer, G.C. Veerappa and K.Seetharamasastri for Accused 7,8,10,12,18, 19.21.22,23,37,38,39 and 40;

Mr. P.S. Deva Doss (by brief) for Accused 1, 2, 9 and 11;

~~and~~

Mr. A.S. Ramachandra Rao (by brief) for Accused 13, 16 and 41;

Mr. Maloor Subba Rao for Accused 4 & 5;

and

Mr. R.K. Jayathirthachar for Accused 3, 5 and 20.

and

Mr. C. Lakshmana Gouda, Advocate-General for Government.

JUDGMENT.

JUDGMENT.

This case relates to offences alleged to have been committed at Isoor, a village of the Shikarpur Taluk of the Shimoga District, on the 28th of September 1942. The case was tried by the Special Judge appointed for the Shimoga District under the Special Criminal Courts Act, 1942, and it has been referred to me for review under Section 7 of that Act.

Mr. Veerappa, who has appeared before me for three of the Accused, has urged that the learned Judge had no jurisdiction to try this case under the Special Criminal Courts Act because the case had been instituted under the Code of Criminal Procedure by the presentation of the charge-sheet on the 2nd of October 1942, some time before the learned Judge was appointed and the case was transferred to him under Section 4 of the Act. Mr. Veerappa in support of his contention has quoted the decision of a Full Bench of the Patna High Court in Banwari Gope v. Emperor, A.I.R.1943 Patna 18, which related to two cases tried by Special Magistrates appointed under an Ordinance of British India, which in its language appears to be almost identical with the Special Criminal Courts Act of this State. In those two cases, which were dealt with in that decision of the Patna High Court, cognizance had been taken before the Special Magistrates were appointed under that Ordinance and before the Ordinance had been applied to the Province of British India concerned. If

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it were necessary for me to discuss that decision, I may say with the greatest respect that I am not sure that I should agree with all that is said in it. But the cases dealt with in that decision may be easily distinguished from the present case. The Special Criminal Courts. Act of this State became law on the 7th of July 1942. But before it could have effect in any area that had to be so notified by the Government. By a notification the Act was made applicable to the Shimoga District on the 2nd of October 1942. The Charge-sheet in this case was presented to the First Class Magistrate of Sagar on the 15th of October, i.e. after the Act had come into force in the Shimoga District. The learned Judges of the Patna High Court in dealing with the cases before them expressed the opinion that the accused persons, when cognizance of the cases against them was taken under the Code of Criminal Procedure before the Ordinance of British India I have mentioned came into force in the area concerned, acquired a vested right of appeal, as it is put in the decision,which could not be taken away from them retrospectively by the introduction of the Ordinance. It will be noticed that, when the present case was instituted on the 15th of October 1942 in the Shimoga District, the Special Criminal Courts Act then in force in the District gave the Government power to direct that cases or classes of cases should be tried by a Special Judge, as was ordered in this case. So far as I can see, it cannot reasonably be represented that there was anything retrospective in the way of depriving the Accused persons of rights which they

had already acquired when the Government ordered that this case on the file of the First Class Magistrate of Sagar under the Code of Criminal Procedure should be tried by a Special Judge under this Act. I need not go into any elaborate discussion of this matter for another reason. Before the Special Judge began the trial of this case, two of the Accused preferred to the High Court of Mysore a revision petition, praying for an order that the First Class Magistrate of Sagar, having taken cognizance of this case under the Code of Criminal Procedure, had no legal power to send the records to the Special Judge for the disposal of the case and that the First Class Magistrate's order that the records should be so sent should be set aside. A learned Judge of the High Court heard that revision petition and pronounced an elaborate order expressing his conclusion that the Special Judge had jurisdiction under the Special Criminal Courts Act to try the case and that the First Class Magistrate must send the records to him for the disposal of the case. Sitting here as a referee for the review of this case under Section 7 of the Special Criminal Courts Act, I certainly have no authority to override or differ from the decision of the learned Judge of the High Court on that criminal revision petition. And I may say with respect that I agree with his decision.

This is the first case under the Special Criminal Courts Act, which has been referred to any one for review under Section 7 of the Act, and therefore there is no precedent laying down what

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are the powers of the person who is nominated to review such a case. I do not think it is necessary for my present purpose to attempt define the exact powers of review given by that section. I think it is clear, as the learned Advocate-General has urged, that they are not the same as the powers of an appellate Judge under the Code of Criminal Procedure. But it is not disputed before me that in reviewing this case I have the right to acquit any of the Accused before me, if I find it proper to do so, on any of the charges, on which he has been convicted, and that I have the power to set aside sentences and to reduce sentences within the limits of the law. Possibily the learned Advocate-General is right in his contention that a person reviewing a case under Section 7 of the Criminal Courts Act is not expected to examine the evidence in such detail as would an appellate Judge in an ordinary criminal case, nor has he the right to give effect quite so extensively to doubts, if any arise, whether the trial Judge was right in believing the evidence of any particular witness to be trustworthy. There may be some such differences in dealing with the evidence in a review under this section of the Special Criminal Courts Act and in investigating the evidence in an ordinary criminal appeal. But I may say that in this case I have had the whole record read out in Court and discussed as fully as if this were an ordinary criminal appeal. I have heard it as if it were a criminal appeal preferred to me by the Accused persons concerned. And they have all been represented by Counsel.

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There were 41 Accused persons before the Special Judge. He discharged 4 of them, and he afterwards acquitted 13 of them on the charges respectively framed against them. He convicted the remaining 24 Accused of various offences, and those are the Accused persons in respect of whom this case has been referred to me for review. There were 19 charges in all as framed by the learned Judge under the procedure prescribed by the Act. On the 1st charge, which was of murdering the Amildar of Shikarpur Taluk, Mr. Chennakrishnappa, at Isoor on the 28th of September last, the Special Judge convicted Accused 1, 2, 3, 8, 10, 11, 20, 22 and 37, and all of those Accused except Accused 10 and 37 he sentenced to death on that charge. Accused 10 and 37, who are women, he sentenced on that charge to transportation for life. The 2nd charge was of murdering at the same place and on the same occasion Mr. Kenche Gowda, the Sub-Inspector of Police in charge of the Shikarpur Police Station. On that charge the learned Judge convicted Accused 1, 2, 3, 4, 5, 7, 8, 9 and 11 and sentenced each of them to death. On the 3rd charge, of causing grievous hurt, punishable under Section 333 of the Penal Code, to Mr. Zamiruddin Sheriff, the Police Inspector in charge of the Shikarpur Taluk, the learned Judge convicted Accused 1, 2, 10, 18 and 41; and on that charge he sentenced each of them to undergo rigorous imprisonment for two years. On the 4th charge, which was of causing grievous hurt, punishable under

Section

Section 333 of the Penal Code, to Police Daffadar Abdul Sattar, P.W.40, the learned Judge convicted Accused 12, 22, 23 and 41 and sentenced each of them to undergo rigorous imprisonment for two years. On the 5th charge, which was of causing grievous hurt, punishable under Section 325 of the Penal Code, to Police Constable Venkatpathi alias Jettappa, P.W.32, he convicted Accused 1, 2, 9, 11 and 13 and sentenced each to undergo rigorous imprisonment for two years. On the 6th charge, which was of causing grievous hurt, punishable under Section 325 of the Penal Code, to Police Constable Ramiah, P.W.57, he convicted Accused 41 and sentenced him to undergo rigorous imprisonment for two years. The 7th charge was of causing hurt, punishable under Section 323 of the Penal Code, to Police Constable Isak Mia, P.W.19. On that charge the learned Judge convicted Accused 21 and sentenced him to undergo rigorous imprisonment for one year. The 8th charge was of causing hurt, punishable under Section 323 of the Penal Code, to Revenue Inspector Muniyappa, P.W.46. On that charge the learned Judge convicted Accused 1 and Accused 38 and sentenced each of them to undergo rigorous imprisonment for one year. The 9th charge was of committing an offence punishable under Section 342 of the Penal Code by wrongfully confining the Amildar, the Sub-Inspector, the Inspector of Police, the Police Daffadar, the Revenue Inspector and the Police Constables Venkatapathi and Ramiah on the same occasion. On that charge the learned Judge convicted Accused 1, 2, 20, 21 and 40 and sentenced each of them to undergo rigorous imprisonment for one year. The 10th charge was of rioting,

punishable under Section 148 of the Penal Code, at the same place and on the same occasion with common objects set out under 5 heads in that charge, viz. (1) "to overawe by criminal force public servants in the exercise of the lawful power of such public servants," (2) "to run a parallel illegal administration," (3) "to ~~xxxx~~ prevent public servants from entering the village of Isoor and from discharging their duties," (4) "to indulge in the activities of the Congress, which was declared an unlawful association, and in other activities which are contrary to the maintenance of law and order by Government" and (5) "to commit offences of murder, grievous hurt and hurt and wrongful confinement or knowing that such offences are likely to be committed." There are some obvious peculiarities about that charge, so far as it sets out common objects attributed to the rioters. I will deal with that point later. On that charge the learned Judge convicted all the 24 Accused, whose cases are now before me, and he sentenced each of them to undergo rigorous imprisonment for two years on that charge. The remaining 9 charges are of liability under the provisions of Section 149 of the Penal Code in respect of the various offences I have already mentioned other than rioting. Those charges are directed in form against all the 24 Accused with whom I am now concerned as well as the other acquitted Accused but were intended to be used and were used in effect by the learned Judge only against those of the Accused, whom he did not find guilty directly of the offences concerned. Charge 11 relates to the liability of those Accused not found directly guilty of murdering the Amildar for

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that murder under the provisions of Section 149 of the Penal Code because they were members of the unlawful assembly concerned in the case. Except the 9 Accused, whom the learned Judge found guilty directly of the murder of the Amildar, he convicted all the rest of these 24 Accused as guilty of that murder under the provisions of Section 149 of the Penal Code and for that he sentenced each of them to transportation for life. Charge 15 relates similarly to liability under Section 149 of the Penal Code in respect of the murder of the Sub-Inspector, Mr. Kenche Gowda. On that charge the learned Judge found all the Accused now before me except the 9 persons, whom he found directly guilty of murdering the Sub-Inspector, guilty of that murder under the provisions of Section 149 of the Penal Code; and for that he sentenced each of them to transportation for life. Similarly those of the 24 persons, who were not found guilty directly on the other charges of grievous hurt, hurt and wrongful confinement, he found guilty of those offences under the provisions of Section 149 of the Penal Code, and he sentenced them on those respective charges each to undergo similar punishment to that which he imposed upon the persons found directly guilty of those offences. The learned Judge ordered all the sentences of imprisonment imposed upon any of the Accused to run concurrently.

There is undisputed evidence that the Amildar and the Sub-Inspector were killed at Isoor early on the afternoon of the 28th of September and that the Police Inspector, P.W.23, the Police Daffadar, P.W.40

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the Police Constables, P.W.32, P.W.57 and P.W.19, and the Revenue Inspector, P.W.46, received many injuries at the same time and at the same place. P.W.1, a Sub-Assistant Surgeon of the Shikarpur Hospital, has given evidence that he examined the dead bodies of the Amildar and the Sub-Inspector on the afternoon of the 29th of September: on the body of the Amildar he found besides less important injuries 6 serious wounds, 4 incised and 2 lacerated, on the head, varying from 1" to 2½" in length, all such as might have been the result of blows with sticks, a contusion over the left shoulder and shoulder blade 8" x 7" with 4 stripe marks on it, a contusion over the right shoulder and shoulder blade 8" x 6", another on the right buttock 6" x 3" and another on the back of the left arm 3" x 2½". He also found ligature marks on both the upper arms. In his opinion death had been due to those multiple injuries. On the body of the Sub-Inspector he found besides many less important injuries a lacerated wound, 2" long, on the top of the head, a contused wound, 1½" long, near the top of the right side of the head, a contusion 3" x 2½" on the right side of the forehead, another, 2" x 2", on the left side of the forehead and another, 1" x 1½", on that side of the forehead and one, 2" x 1½", on the left cheek. When he examined the skull, he found 4 fractures in it, 3 of them radiating from one point on the left side of the head and the other being on the right side of the head. He also found on this body a contusion, 6" x 5", running over the left shoulder and the front and back of the body on that

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side, a contusion 4" x 3½" on the right shoulder, 5 serious contusions on the back, of which one was 6" x 5" and another 6" x 4", 4 on the arms and one on inside the left knee. The Sub-Assistant Surgeon has also given evidence that on the evening of the 28th of September he examined the Police Inspector, P.W.33. On him he found besides several less important injuries 2 incised wounds on the top of the head, a stripe-like contusion on the right shoulder, 3" long, 4 large contusions on the back and marks of ligatures on both arms. The injuries on the Inspector turned out to amount to grievous hurt, as they incapacitated him for more than 20 days. On the same evening the Sub-Assistant Surgeon according to his evidence examined the Police Daffadar, P.W.40, and found upon him 2 wounds upon the head, one incised and one lacerated, a contusion 2" in diameter above the right ear, a contusion5" x 4" on the left shoulder, 8 contusions on the back and 2 on the front of the chest, 4 on the arms and 9 on the thighs and buttocks besides several injuries to the hands, including a broken finger, a ligature mark on the left forearm and another on the left thumb. The injuries to the Daffadar also amounted to grievous hurt. On P.W.32, Police Constable Venkapathi alias Jettappa, the Sub-Assistant Surgeon on the same evening found 7 wounds on the head, 5 incised and 2 lacerated, 8 serious contusions on the front, back, shoulders, right hip and buttocks and a ligature mark on the left thumb. That Constable's injuries also amounted to grievous hurt. On P.W.57, Police Constable Ramiah, the Sub-Assistant Surgeon says he

found

found among other injuries 5 wounds, 2 incised and 3 contused, and a contusion on the head, a contusion 10" x 8" on the upper part of the back, a contusion, 3" in diameter, over the ~~regious~~ region of ~~x~~ the liver, a contusion 10" long on the back of the right forearm and another, 2" in diameter, on the right elbow and also a ligature mark on the left arm. Those injuries it appears also amounted to ~~xix~~ grievous hurt. On P.W.19, Police Constable Isak Mia, the Sub-Assistant Surgeon found among other minor injuries a contusion 4" long on his left thigh. On the Revenue Inspector, P.W.46, he found besides several other injuries 4 wounds, 3 incised and one contused, and one contusion on the head, 3 contusions on the right shoulder like stripes and one on the right arm. He also found ligature marks round both the arms and round the left thumb. The injuries upon P.W.19, Police Constable Isak Mia, and P.W.46, the Revenue Inspector, turned out to amount to no more than simple hurt under the Penal Code because these witnesses recovered within 20 days. It will be seen that the persons, who were injuried, received not only very many injuries but in many instances very serious wounds.

A good deal of evidence was given in the case to show what had been going on at Isoor for some weeks before the 28th of September. That evidence shows clearly that the village had been in a very disturbed condition since certain leaders of the Indian National Congress in British India had been arrested in Bombay early in August last. Exhibit P.17 is a report sent by P.W.3, who was then acting as Patel

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of Isoor for his father, P.W.4, on the 6th of September to the Police Inspector, describing daily processions, which were being held in Isoor and attended by 150 to 200 persons, including grown-up people and boys and girls. It is stated in the report that writings have been put up on walls in the village "Set fire to Cutchery" and "Burn the books of Gowdas and Shanbhogues" and that the same incitements were shouted during the daily processions. There is some evidence that P.W.3, who he was acting as Patel for his father for a month from 22nd of August, was himself taking part in rather violent political activities and had been ~~xx~~ inciting the people of his own village, Gama, which is 4 miles from Isoor, not to pay kandayam to the Government. It has been urged for the defence that he is not a trustworthy witness, so far as he gives evidence about what happened on the 23th of September; and it is quite clear from the evidence on the prosecution side that he is not a man of good character. It is perhaps surprising that he should have been appointed to act as Patel for his father; but the fact that he has such political leanings as the evidence discloses perhaps makes his report, Exhibit P.17, the more significant. His father, P.W.4, the permanent Patel, who also lives at Gama, appears to have returned from leave on the 22nd of September. He says that he found Accused 3, 5, 9, 11, 18, 20 and 41 taking the lead in the daily processions in Isoor and shouting that sandal and teak trees, which are the property of the Government should be cut. that kandayam should not be paid and

that

that Government servants should be disgraced, if they came to the village. He says that he went to Isoor on the 25th of September with the Shanbhogue, P.W.5, to collect revenue. They were pestered by boys and girls, when they got to Isoor, to resign their offices, and during the course of the day their official records were taken away by some-one from the temple, where they were sitting. He and the Shanbhogue sent reports of what happened that day to the Amildar and the Sub-Inspector, Exhibits P.20 and P.21 respectively. He says that he went again with the Shanbhogue to Isoor on the 27th of September: on that occasion they were surrounded by boys and girls, who forced them to appear before a little boy of 10, who rather strangely was made Accused 26 in this case and who was sitting on that occasion in a pandal near the entrance to the village play-acting as an Amildar: this little boy ordered the Patel and the Shanbhogue to resign their offices, and, when they refused, he ordered them to pay fines of Rs.10/- or to stand on one leg in the sum for 2 hours: they were beaten and were made to stand in the sun, and then they were made to swear that they would never come again to the village until they resigned: the next day they went to Shikarpur to report what had happened and found that the Amildar had already left for Isoor. The Patel, P.W.4, seems to be a rather feeble old man, and his evidence of what happened on the 25th and 27th of September, taken by itself, would lead one to suppose that the children of the village were play-acting and making a nuisance of themselves, but not very much more,

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though it would still be surprising that the Patel and the Shanbhogue allowed themselves to be made a game of in the way the Patel relates. But other evidence shows that something much more serious than childish pranks was going on even on the 25th and the 27th of September.

The Shanbhogue gives evidence similar to that of the Patel as to what happened on those occasions. But he adds some other information, which is more important. He says that at the entrance of the village near the pandal on the 27th of September they found a board, which has been produced in this case as M.O.25, fixed up, on which was written "Irresponsible Sirkar people must not come to the village. If they come", the sentence being left incomplete. He also says that near the pandal, where this trial of the Patel and the Shanbhogue was held, there were not only children ~~by~~ but 100 grown-up persons, including Accused 3, 5, 9, 11, 20, 41, a man called Sowcar Basavannappa and his nephew Shanthaveerappa. The Shanbhogue also says that, when it was found that the Amildar was not at Shikarpur on the 28th of September, he stayed there and gave a report, Exhibit P.15, of what had happened on the previous day to the Police officer in charge of the Station at Shikarpur. Exhibit P.15 mentions the presence of Sowcar Basavannappa at the performance on the 27th of September, but not the Accused mentioned in the Shanbhogue's evidence.

There is evidence that in the course of the investigation of this case the village records taken

away

away from the Patel and the Shanbhogue on the 25th of September were discovered in a bag, M.O.30, buried in the ground behind Sowcar Basavannappa's house. P.W.44 is a boy of 12, who gives evidence about the daily processions in Isoor. He says that Accused 1, 3, 5, 9, 11 and 20 took part in the processions and also that Accused 39 wrote up things in chalk in the village temple and that it was Accused 39 who first wrote ~~who~~ what appears on the board, M.O.25, in chalk, Accused 15 afterwards writing it in ink. P.W.45, a boy of 13, called G. Veerappa, says that Accused 1, 3, 5, 20 and 39 took part in the processions, in which they all used to shout "Long live Revolution" and "Set fire to the houses of those who do not join the Congress." among other things. This little boy says not at all unnaturally that he did not understand what those cries meant. He also says that Accused 39 wrote What is written on the board, M.O.25, in chalk and that it was afterwards inked by Accused 15, not of his own free will, but under compulsion. P.W.60, Gangamma, a girl of 12, says that Accused 3, 5, 10, 19 and 39 took a leading part in the processions and that they cried out "The houses of those who do not join the Congress will be burnt. Sandal and teak trees must be cut".

P.W.52, B. Veerappa, a school-master of another village, says that on the 27th of September he went to Isoor, and he saw the Patel and the Shanbhogue undergoing the inquiry, of which they speak, before the play-acting Amildar: he was pressed to resign and told that he could not come

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into the village again unless he did so. P.W.31, Mohamed Dastagir, an Assistant Master of Gama School, who lives in Isoor, gives evidence about the processions. He says that Accused 3, 5, 7, 9, 19, 22 and 39 with Sowcar Basavannappa and the little boy, Accused 26, who is the Sowcar's grandson, used to take a leading part in the processions, those concerned in which used to call out that Government servants ought to be boycotted and killed, thankandayam was not to be paid and that the houses of those who did not join the Congress must be burnt. He says that he was asked to resign his post. He also says that late on the evening of the 27th of September Accused 39 came to him for medicine: the witness took the occasion to advise Accused 39 not to give trouble to the village officers: Accused 39 said in reply that Government Officers were expected in the village the next day and the witness would see some fun when they came: the witness warned Accused 39 that, if there was trouble, Government Officers were likely to fire on the villagers. P.W.33, Puttappa, the Headmaster of the Gama School, who also lives at Isoor, says that SowcarBasavannappa, Accused 1, 3, 5, 9, 18 and 20 used to lead the processions and used to preach that kandayam should not be paid to the Government and that Government servants should not be allowed in the village: on the 27th of September they held a meeting at the village temple, which is close to this witness's house, and he heard them saying that no Government servant should be allowed in the village: he noticed Accused 3, 5, 39 and a

Congress man

four exhortations are written as put up under the authority of the President of the Congress. Then there are "If the Government should fail to help the ryots set fire to the Taluk Office;" "Let Government servants be 'cut';" "Talawars, if you discharge Government duties Aya will not be paid to you;" "Cut date trees;" "Cut teak trees". It was suggested in the course of the arguments before me that the exhortations "Let Government servants be 'cut'" was not anywhere in that temple before the 28th of September. Indeed it was suggested that it was put up by some malicious person not belonging to the village after the offences which are the subject of this case. That appears to me to be an entirely unreasonable suggestion. There is evidence in this case that after the happenings of the 28th of September an official party, including the Deputy Commissioner and the Police Inspector, who investigated this case, P.W.62, arrived in the village on the afternoon of the 29th of September and found it practically deserted. The temple was where the Deputy Commissioner and the officers stayed. It is quite unreasonable to suggest that anybody had the opportunity of adding to the inscriptions on the temple after the Deputy Commissioner and his party arrived there; and the mahazar was drawn up on that very day. Photographs have been ~~taken~~ produced as exhibits in this case showing those inscriptions on the temple. The inscriptions appear to me to throw important light upon the condition of this village before the events of the 28th of September. It was strange that

such incriptions should be written up in the village temple of all places, which the evidence shows is not only used for worship but also as a village meeting place. I think it is quite clear that those incriptions could not have been on the village temple unless a large number of the grown-up people of the village approved of that and connived at them being put up there.

Several Police Constables have been examined as witnesses to say what happened to them, when they visited the village on different occasions not long before the 28th of September. I shall not pay any attention to the evidence of one of them, P.W.18, though by itself his evidence would be important, because it happened that he was too ill to appear for cross-examination at the trial. Nor shall I pay any attention to the evidence given by another Constable, P.W.39, regarding what happened to him on the 23rd of September, because it appears he did not report it at the time to any of his superiors. P.W.28, another Constable, says that he went to the village on private business on the 26th of September; on that occasion Sowcar Basavannappa, Accused 3, 9, 11, 13, 16, 18, 22, 27, 29, 31, 39 and 41 met him at the village entrance and told him to resign his post: they took him to the temple and broke open his box, and then they took him to Sowcar Basavannappa's house and made him sign a letter of resignation and also a promissory-note for Rs.500/-. It appears that, when this witness was examined by the investigating Officer in the present case, he mentioned only the names of Accused 3, 5, 9 and 26 as among the people

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who met him at the entrance of the village on that occasion and he did not say anything then about his trunk being opened. But his evidence is corroborated by that of the Head Master, P.W.33, who lives near the temple. He says that on that day he saw Accused 1, 5, 9, 18 and 20 and Sowcar Basavannappa and others taking this Constable to the temple: and he heard them telling him to resign: after that he saw them taking him off to Sowcar Basavannappa's house. P.W.32, one of the injured Constables, says that he went to Isoor on duty on the 17th of September: Accused 3, 19 and 11 then tried to persuade him to resign and threatened to beat him, if he failed to do so and went to Isoor again. That he says he reported to the Sub-Inspector, Kenche Gowda. All that evidence I think clearly shows that some people were deliberately working up a disloyal and rebellious spirit in the village before the 28th of September and working it up with very considerable success.

The Police Inspector, Mr. Zameeruddin Sheriff, P.W.23, says that on the 26th of September the Amildar arranged with him that they should go to Isoor and Gama to advise the elders of the villages to stop what was going on there: that was partly because they had received the reports of the Patel and the Shanbhogue of Isoor, Exhibits P.20 and P.21: they set out on the morning of the 28th of

September

September and went first to Gama: they went on after that to Isoor, which they reached about 12-15 P.M. : at the entrance to Isoor they found the board, M.O.25, with the inscriptionx I have mentioned fixed up on two poles: under the Amildar's orders it was taken down. I may mention that, when the Deputy Commissioner's party went to the village on the next day, after all that had happened on the 28th of September, that board was found according to the evidence again fixed up at the entrance to the village. Then, according to the Inspector, they went on into Isoor to the main village temple I have mentioned: as soon as they got there small boys and girls with flags came and surrounded them and asked them why they entered the village as it was a free

village

one of them began beating a gong: then the Inspector saw some other boys and grown-up men coming there with sticks: he snatched the gong away, as he thought there was some danger: Accused 1, who had followed them from a place called Chikkajogihalli, about half-a-mile from Isoor, and was with them, snatched the gong from the Inspector's hand and beat it: then somebody removed the Inspector's turban, and he saw that the hats and turbans of the rest of the party had been taken off and thrown on the floor: some of the boys were kicking the turbans and some were pulling the Sub-Inspector's uniform: by that time 300 or 400 people, mostly men, had collected near them with clubs in their hands (by which I understand the Inspector to mean heavy sticks): among the people who came was Sowcar Basavannappa, who was shouting "What are you looking at? Beat them": and then all the people there cried out "Beat, beat" and assaulted the Inspector and his party: then the Inspector, as he says, performed namaskaram to the people and told them that they had not gone there to trouble them and they ought not be beaten, and the Amildar said the same thing: but still Sowcar Basavannappa told the people to beat them, and the people beat them: he was beaten on the back of the head, and he fell down: just a second later he heard the Sub-Inspector firing his revolver: when he was beaten the Amildar, the Sub-Inspector and others of the party also were beaten: the Inspector fell down in front of the temple: Accused 2 hit him on the back of the head, and, after he fell, he saw the Sub-Inspector being severely belaboured and his revolver and clothes removed; then a fair woman, whom the Inspector

identifies as Accused 10, and Accused 1 and 2 and another man came to the Inspector and beat him and removed his uniform and shoes: the woman, Accused 10, beat him with a stick, and so did Accused 1 and 2: then Accused 1 dragged him to a heap of firewood near by and tied him to a post, which was in the ground and which the Inspector identifies as M.O.21, which is really part of the trunk of a small tree: he was tied to that post back to back with the Revenue Inspector, who had injuries on his head: the Daffedar and Police Constable, Ramiah, P.W.57, were also tied to the firewood stack: their clothes were taken off, and they had only shirts and shorts: the Police Constable, Venkatapathi, P.W.32, the Sub-Inspector and the Amildar were also tied to the stack of wood: the Sub-Inspector's hands were tied behind his back, and the Amildar was lying down with his hands tied to a pole of the firewood stack: he was calling for water: but no one gave him water, and some one in the ~~corwd~~ crowd threatened to burn them all alive, if any of the village people died: all their clothes were burnt before the temple: after some time the Amildar died: while the Sub-Inspector was still alive Accused 1 beat him on the head with a shoe saying that the Sub-Inspector was putting up cases against him: then the Sub-Inspector died: he ~~tood~~ had been calling for water: the Inspector was in-patient in the Hospital at Shimoga in consequence of his injuries until the 27th of October. In regard to the Inspector's identification of Accused 10 as the woman who beat him it is to be noticed that he says that she was wearing two nose-screws. But the learned Judge found on examination of her that the hole for a nose-screw on~~e~~ one side of her nose

was almost blocked up, not having been used apparently for some time.

P.W.40, the Police Daffadar, says he went with the Inspector and the Amildar to Isoor on that occasion: he saw Accused 1 snatch the gong from the Inspector, and, as soon as Accused 1 sounded it, 200 or 300 people came to the place carrying clubs and bits of firewood: Accused 18 and another stood in front of the Amildar's party and beat their thighs and asked how the party had come into the village in spite of the notices on the board and how they were going to get out again: Sowcar Basavannappa and his brother Rudrappa cried out that the Police party had gone there to arrest them and they should be beaten and killed: then the people in the crowd beat the Daffedar, the Sub-Inspector, the Amildar and others of the party. He says he saw Accused 1, 2 and 8 and Accused 10 and 37 assaulting the Amildar: after he heard the revolver shots he became unconscious in consequence of his injuries: when the regained consciousness he found that he had been tied to a pole: both his hands had been tied: Police Constable Ramiah had been tied up on his left: the witness's thumb had been tied to Ramiah's right thumb: three women, Accused 10, 37 and 38, came and asked him whether he had any cartridges, and he said he had none and asked for some water: they said they would not give him water and beat him with sticks: they were beating the dead and the injured even then.

P.W.32, Police Constable, Venkatapathi alias Jetappa, says that after they arrived in the village he was sent to find a man called Mahadevappa: he came back to the temple, and he saw Accused 1 snatch

snatch the gong from the Inspector: Accused 1 sounded it loudly: then 200 or 300 people assembled near the temple with clubs and pieces of firewood: Basavannappa and Rudrappa said that they should all be beaten as they had gone there to arrest the villagers: and then the people beat them all. He mentions having seen a number of the Accused in the crowd and says that Accused3, 4 and 5 beat the Sub-Inspector: after that the Sub-Inspector fired one or two shots: Accused 6, 7, 8 and 9 beat the Sub-Inspector with clubs after he had fired: the witness tried to save the Sub-Inspector: then he was beaten by Accused 1, 2, 9, 11 and 13, and he fell down: Accused 8, 9, 10, 12 and others dragged the Amildar from the pial of the temple, where he was, and the Amildar fell down: then Accused 1, 18 and 21 and others tied the witness to the stack of firewood: both his hands were tied to the firewood when he was in a sitting position: his right thumb was tied to the Sub-Inspector's left thumb and his left thumb to the Revenue Inspector's right thumb: their clothes were taken away and burnt in front of them: when he and the Sub-Inspector asked for water, Accused 10 said that no water would be given to them and that urine should be given to them: Chandrasekaharappa, one of the acquitted Accused, did give some water to the witness and to the Sub-Inspector and to the Police Daffadar, P.W.40: then someone threw away the chamboo with the water in it: by that time the Amildar was dead: the Sub-Inspector died a little time after he drank the water: he died when Accused 1, 2 and 6 assaulted him again after he drank it. In cross-examination he says that within five minutes after the Sub-Inspector fired shots

5.

the Amildar was pulled down.

P.W.57, Police Constable Ramiah, also says that Accused 1 took the gong from the Inspector's hands and sounded it loudly; then 200 or 300 men came to the temple with clubs and pieces of firewood: Sowcar Basavannappa and Rudrappa came there and incited the people to beat them, saying that they had gone there to arrest people: their turbans and hats were removed by the crowd, and the people began to assault them with clubs; Accused 41 beat the witness, and so did Accused 23: as he had received severe injuries to his head he became unconscious.

The Revenue Inspector, P.W.46, says that he went with the party: when they got to the village entrance, they found the board, M.O.25, hung on the gate: they had it removed, and then they went on to the temple: as soon as they got there some boys and girls came beating a gong: the children advised them to resign from Government service and give their clothes to them to be burnt and said that, if they failed to do so, they would be dealt with properly: the Amildar was advising the children not to behave like that: the Inspector snatched the gong from one of the boys: then the boys and girls began pulling at the Inspector's clothes and the clothes of the Revenue Inspector and Sub-Inspector and Constables: Accused 1 took the gong from the Inspector's hands and sounded loudly: then men and women, about 200 or 300, came from all parts of the village with clubs in their hands: Sowcar Santhaveerappa (who is a nephew of Basavannappa and another stood before the Sub-Inspector beating

beating their thighs and asked how Government servants could come inside the village in spite of what was written on the board and threatened that they would not escape from the village: then the Sub-Inspector with folded hands requested them not to create trouble: Sowcar Santhaveerappa put his hand to the neck of the Sub-Inspector and dragged him by his coat: then the hats and turbans of the party were snatched away: Sowcar Basavannappa and Rudrappa told the crowd that the witness's party had gone there to arrest them and that they must be beaten: Accused 4, Accused 5 and Santhaveerappa hit the Sub-Inspector with clubs: the rest were beating the witness and others of the party: Accused 10, 13 and 17 were beating the Amildar: Accused 1 and 2 tied all of them to the stack of firewood, and the witness was tied to the pole, M.O. 21, back to back with the Police Inspector: both his arms were tied and his thumb and the Police Inspector's thumb were tied together; his other thumb was tied to Police Constable Venkatapathi's thumb: they were made to sit where they were tied: the Amildar and the Sub-Inspector were alive and conscious when they were dragged there and tied up: they prayed for water: somebody said they should be given urine instead of water: Accused 1, 2 and 6 hit the Amildar and the Sub-Inspector after they were tied up: a little later the Amildar and the Sub-Inspector died: the others of the party had bleeding injuries: Police Constable Ramiah, was unconscious; Accused 3 was saying that two of them were dead and that the dead and the injured should all be burnt. The Revenue Inspector has made in his evidence a general statement that all the 41 Accused before Court were among the crowd. The learned

learned Judge quite properly has thought that general and vague statement was of no use and has made use not of that part of the Revenue Inspector's evidence but only of his specification and identification of particular Accused doing particular acts.

P.W.19, Police Constable Issak Mia, says that, as soon as Accused 1 snatched the gong from the Inspector's hands and sounded it, men and women and girls and boys came from the village with clubs and pieces of firewood in their hands: 200 or 300 people came: Santhaveerappa advised all (the witness' party) to wear Gandhi caps and to resign from Government service: the Amildar and the Inspector were trying to persuade Santhaveerappa not to do so: by that time the people there had snatched the Sub-Inspector's hat and the turbans of the other Constables and their lathis: Basavannappa and his brother Rudrappa told the people there that they had gone there to arrest them and said that they should be killed: Santhaveerappa put his hand on the neck of the Sub-Inspector holding his uniform: then Accused3, 4 and 5 began beating the Sub-Inspector: the people there were beating the witness with a club on his left shoulder: then the witness got afraid and ran away: the Amildar had not been beaten when he left: he ran into P.W.7's house closeby: Accused 37, a woman, and others pursued him: he went into a pond near by and took shelter in it till the evening, when he returned to Shikarpur.

P.W 7, Imam sab, says that he was in his house that day: about noon he saw hundreds of people assembling in front of the temple with clubs

clubs in their hands: a little later Police Constable Issak Mia rushed into his house: he sent the Constable to the hittal: then Sowcar Basavannappa, Accused 9 and another man came to his house with clubs and asked him whether a Policeman had come there: he told them to look whether the Constable was there: they looked and went away.

A number of other witnesses of the village give evidence of what they saw on that occasion. P.W.6, a man of 68, says that, when a gong was sounded in the temple, people from each street began running there with clubs in their hands: a hundred to a hundred and fifty people assembled there: he went to the temple to see why so many people were going there: he saw people throwing about caps, coats and "shawls" of Government servants: the Sub-Inspector was beaten with clubs: the Amildar was also beaten: the Police people were beaten. And he mentions a number of the Accused as being among the crowd. He says that Accused 4 and Accused 5 and many others were hitting the Sub-Inspector with clubs: Accused 1 and 2 were hitting the Amildar with clubs: after he was assaulted the Sub-Inspector fired shots with a revolver: then the beating increased: he got afraid as Government servants were being beaten and went away. In cross-examination this witness makes what appears to be at first sight a rather curious statement. As recorded, it is:--"By the time I saw the Amildar and his party their clothes had been removed except a knicker and banian. After their clothes were removed they were beaten". If that meant that their clothes had been removed before he reached

reached the scene, that would not fit in with the other evidence. But it is not clear that is the meaning of what he says in cross-examination in the sentence recorded in the Special Judge's memorandum. And it must be remembered in regard to the evidence of all the witnesses that the Judge under the Special Criminal Courts Act has only to record a memorandum of the witnesses' evidence and it need not be a full record of what they say. In the previous sentence what is recorded is:-- "The Amildar and his party were each surrounded separately by the crowd", so that the words "By the time" in the sentence I have quoted may not refer, as might be thought at first sight, to what the witness saw when first arrived at the scene.

P.W.8, Buden Sab, says that when he came back to the village about noon with the grass he had cut, he heard the sound of a gong and saw men and women running towards the temple with clubs in their hands: he went to his house and sat there: then he heard two or three shots, after which he went near the temple to see what was going on: he saw Accused 9 and another man, whom he names, and others beating the Sub-Inspector. Accused 22 and many others were beating the Amildar: Accused 41 was beating Police Constable Ramiah: Sowcar Basavannappa was instigating the crowd to assault them saying "Why are you standing quiet? Beat them, you whoresons. What are you looking at?" The witness then went home, being firghtened. In cross-examination he says that there were 50 or 60 people in the crowd, of whom half were unarmed and that some people there were asking why the party were being beaten.

P.W.11, Ali Sab, says that he was in his house having food about 12-30 P.M.: he heard a gong sounded in the temple: after he had his food he went out: he saw men, women and children coming from different streets and going towards the temple with clubs: he followed them and saw the Amildar, the Sub-Inspector and others near the temple door with some Policemen: the Children were removing the caps and the head-dresses of the Police and throwing them in the air: then the Sowcar Swami (who appears to be the same as Shantaveerappa) caught hold of the Sub-Inspector's clothes and asked him to remove them: Sowcar Basavannappa and Sowcar Rudrappa were moving about and saying "Beat them. What are you looking at": after Basavannappa and Rudrappa had instigated the crowed like that, Accused 4 and 5 beat the Sub-Inspector: then two or three shots were fired, and the rest of the crowd also beat the Sub-Inspector and all the Policemen. In cross-examination this witness says that he saw children throwing the hats and turbans in the air when he arrived: the Police were picking them up and the children were taking them again: the children were laughing then: the Police were laughing and telling the children not to do so: From his evidence it appears that the Police party g treated what the children, who according to this witness were from 4 to 10 years of age, did in a properly good-natured way. And it appears from the evidence that nothing serious happened until after Accused 1 beat the gong loudly and a large number of villagers assembled.

P.W. 14, Shankarappa, says that he was in his house having food about nonn: he heard a gong sound: he thought it was done by the Congress boys as usual; after food he came out and saw hundreds of people in front of the temple with clubs in their hands: they were beating the Sub-Inspector, the Inspector and the Police people: he stood on his pial, and then he heard a gun-shot: after that he went out from the pial: he saw people still beating the Sub-Inspector ~~the Sub-Inspector~~: Accused 9 and anotherman were beating him ~~the Amildar~~: Accused 2 and another man were beating the Amildar: the Amildar and the Sub-Inspector were saying "Don't Don't": he saw many of the Accused in the crowd with clubs in their hands beating the Amildar and his party He goes on to say that the Amildar and the Sub-Inspector died at that place: Accused 1, 2, and 40 brought the Amildar and the Sub-Inspector and tied them to a post near the firewood stack close by, which belongs to this witness. He explains that some of that firewood had been put lengthwise and some corss-wise and some was fixed vertically. In cross-examination he says that the Sub-Inspector fired three times at the crowed: Accused 4 fell when he received a shot-wound, and so did Accused 5: then the crowd assaulted the Amildar's party and tied them up.

P.W.25, Basavannappa , says that he was having his food in the village at a time, which he puts at about 1 O'clock, when he heard the sound of a gong: when he had finished his food he heard a big noise, and then he went out to see what was happening: he saw the Amildar and the Sub-Inspector being beaten with clubs: hundreds of people had gathered, and all had clubs in their hands: Accused 3, 9, 10 and 11 were in that crowd: Accused 3, 8 and 9 were beating

the Sub-Inspector: Accused 10 and 11 were beating the Amildar: Sowcar Basavannappa was shouting to the crowd "Beat, beat": he got frightened and went away. In cross examination he says that he did not hear the sound of any revolver being fired. It will be remembered that in examination-in-chief he said that he heard a big noise. He also says that, when he saw them, the Amildar and the Sub-Inspector were on the road with only knickers and banians on their bodies.

P.W.30, Sivappa, says that he was taking his food in his house about noon when he heard the gong sound: he went to his door and afterwards to the temple: there he saw Sowcar Basavannappa instigating the crowd to assault the Amildar and his party: there were hundreds of boys and some grown-up people. He mentions a number of the Accused, whom he saw in the corwd. He says Accused 1, 2, 3 and 9 beat the Sub-Inspector with clubs, and Accused 20 and 38 beat the Amildar, and many others assaulted them.

P.W.33, Puttappa, the Head Master I have mentioned, whose house is close to the temple, says that he heard the sound of a gong and the sound "Jai": he looked through the holes in his door, which was closed, and was able to see what was going on outside: he saw the Amildar and his party near the temple: some boys there were trying to pursuade them to give up Government service: the Amildar was advising the boys not to do so: they removed the Amildar's head-dress and were pulling at the clothes of the Amildar's party: the witness went out a few yards and saw the

the Amildar, the Sub-Inspector, the Revenue Inspector and Police Constables and the Inspector being dragged to the road: they were being beaten with clubs and pieces of firewood: there was a large crowd there with clubs in their hands. He mentions a goodmany of the Accused as being in it: Accused 9 and others were beating the Sub-Inspector: Accused 37 and another woman pulled the Amildar down from the pial of the temple: then Accused 3, Accused 10, Accused 20 and Accused 37 and another woman were bearing the Amildar with clubs: Accused 41 and Accused 18 were beating the Inspector. He mentions that he heard the sound of a gun (which has been recorded rather curiously as the firing of a sound) and that he went a little farther: then he saw Accused 4 and 5 being taken to their houses: Accused 3 shouted out that the Amildar's party should be tied to the stack of firewood: Accused 1, Accused 20 and others tied the injured persons to the stack of firewood and to a pole. At the end of his cross-examination as recorded this witness said:- "Twenty minutes after I came out I heard the firing of the shots". That is quite different from the account of other witnesses. It is strange that what this witness says is different from what other witnesses say about the stage at which the Sub-Inspector fired his revolver. There appears to be some confusion in his evidence which is not easy to explain. However the learned Judge has not thought it of importance, and there was no attempt made to re-examine the witness on the point.

P.W.31, Mohamed Dastagir, says that on that Monday he saw people going past his house with

with clubs towards the temple: half-an-hour late Accused 22 and Accused 37 and another man came to his house and wanted to enter it in search for the Police Constable, P.W.19, Issak Mia: they had clubs in their hands: he told them that there were gosha women inside and that only women could go in and see.

That is the gist of the evidence of the injured persons and of those persons of the village, who have been examined as prosecution witnesses. The learned Judge was obviously impressed by all those witnesses as truthful witnesses. I think it is to be noticed that none of them appears to be exaggerating or trying to pretend that he saw more than he could have seen. When the Revenue Inspector made his vague and general statement that he saw all the Accused in the crowd, the learned Judge paid no attention to that. There are indications in the evidence of some of the witnesses of the village that they are rather inclined to minimise what happened than otherwise and to protect some people of the village. There is practically no evidence of any value that any of those witnesses has any reason for giving false evidence against any of the Accused. There were a few suggestions in regard to that, which I will mention in detail a little later. In one or two instances the witnesses seem to get a little confused about the order of events. But that is not a feature of their evidence which indicates that it is not truthful.

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the Sub-Inspector and theother injured persons were tied up close to the stack of firewood near the temple, which must have been by about 1'0' clock in the day at the latest, they remained tied up there until 5 O'clock in the evening, when they were rescued and released, not by any one of Isoor, but by people from an adjoining village, who heard that something had happened and came to Isoor. P.W.15, Kencha, who belongs to Churchugundi, the next village on the east of Isoor, says that he heard that the Amildar and the Sub-Inspector had been attacked in Isoor and he went to Isoor, which he reached about 5 O'clock with some others: they saw the Amildar and the Sub-Inspector lying dead: the Inspector, the Daffadar and the Constables were still alive. The Amildar and the Sub-Inspector had been tied with a rope to the stack of firewood with their hands behind them, and the thumbs of each had been tied together: the Revenue Inspector and the Inspector of Police had been tied back to back to a pole, M.O.21, with their hands behind them, and their arms had been tied: Police Constables Ramiah and Venkatapathi had also been tied by their arms, and another Policeman too: The Revenue Inspector and the Inspector of Police were unconscious but regained consciousness after the witness went there: Police Constable Ramiah was unconscious: the witness and P.W.16 cut the ropes of the men who had been tied up and gave them water; they then put the bodies and the unconscious Ramiah into a cart and the other injured people into another cart and took them to the Shikarpur

Shikarpur Hospital. P.W.16, Phakeera, another man of P.W.15's village, gives similar evidence.

There is little other evidence for the prosecution, to which I need refer. P.W.34, Savamma, says that Accused 9 is the son of a brother-in-law of her: on a Wednesday, which must have been the 30th of September according to her evidence, Accused 9 brought her a bundle and asked her to keep it for him: she cannot see and was ill: so she put it, as she says, into a cup-board: on the next Tuesday her husband went to the cup-board to get their idol out of it, and he saw a bundle in the cup-board and asked her what it was: she told him that it was something that Accused 9 had given to her. P.W.35, her husband, says that he got the key of the cup-board from his wife on the Tuesday and opened the cup-board and saw the bundle inside it: when he questioned his wife, she told him that Accused 9 had asked her to keep it: he opened the bundle and in it he found a gold ring, M.O.40 a wrist-watch, M.O.42, and a whistle, M.O.44. The ring and the watch have been identified as having belonged to the Sub-Inspector, Kenche Gowda. P.W.32, the Police Constable, says that M.O.44 is his whistle, which he had with him on the 28th of September. According to P.W.35 he produced these things with a report, Exhibit P.40, before the Patel of his village, which is three or four miles from Isoor. In that report the place where P.W.35 is supposed to have found the bundle is described as a "niche". But both P.W.35 and his wife, P.W.34, refer to a

a cup-board and a locked cup-board, of which they had a key. That is a curious variation in the description of the place where the bundle was. But it appears to have attracted no attention in the trial Court. Neither P.W.34 nor P.W.35 was cross-examined about that. There can be no doubt from their evidence that according to them the bundle was kept in a locked place in their house. It appears probable that the expression "niche" was used incorrectly in the report which was presented by P.W.35 to the Patel but which he does not say was written by him. P.W.50, Mallappa, says that at about 5 P.M. on the 28th of September Accused 11 gave him a wrist-watch, M.O.47, to keep. That wrist-watch has been identified by the Revenue Inspector, P.W.46, as the Amildar's watch.

When the Accused were examined by the learned Judge under Section 342 of the Code of Criminal Procedure, they made only brief statements; and some objection has been taken by Counsel for some of the Accused to the way in which those statements were recorded and also to the way in which ~~xxxxx~~ the Accused were examined by the learned Judge. Accused 1 said that he was not at Isoor on the day in question. He examined two defence witnesses. D W.30 says that he saw Accused 1 about noon that day at Arasingere, where the Accused lives, and D.W.31 that he was with the Accused at Arasingere, which is about 6 miles from Isoor, from 9 to 3 or 4 in the afternoon. The learned Judge does not believe those defence witnesses, and there is nothing to show

show how they remembered that it was on that day, the 28th of September, that they saw Accused 1.

Accused 2 said that he was not in Isoor that day and that he had been implicated in the case only on suspicion. He examined no defence witness.

Accused 3 said that he was not in the village that ~~they~~ day and that he had gone to his wet land. D.W.38 says that he met Accused 3 that da at a garden in Chikajogihalli, about half-a-mile from Isoor, and came back to Isoor with him, arriving at 2 P.M. D.W.39, who is Accused 3's wife, says that Accused 3 and D.W.38 arrived at 2 P.M.

Accused 4, who had a gunshot wound on the right side of his face, running from under the ear through the right cheek said that he went to the temple to fetch his sister's children:as he was returning with them, a shot struck him, and he fell down: he did not hit any one. But P.W. 31, who states that he attended to Accused 4's wound, says that what Accused 4 told him that day was that he got shot when he went in front of Sowcar Basavannappa's grandson, Accused 26, to protect him. Accused 4 examined no defence witness.

Accused 5, who was shot near the top of his right arm, said that he heard an uproar near the village temple: he went there expecting his boy to be there: when he was there he got shot: he beat no one and was not a member of any unlawful assemply. P.W.31 says that, when he

he treated Accused 5's wound that day, Accused 5 told him that he was shot when he was trying to protect Swami, that is Shantaveerappa. D.W.38 says that Accused 5 told him that he had gone to the place in search of his children.

Accused 7 said that he was away in his sugar-cane field and had no part in the occurrence D.W.26, who is a son of P.W.7 says that Accused 7 was with the witness putting up a fence in a place two or three miles from Isoor from 10 A.M. to 4 P.M.

Accused 8 said that he was not in the village. D.W.33 says that Accused 8 was grazing bullocks near his house, a mile or a mile and a half away from Isoor all that day. But it is not clear why he remembers that.

Accused 9 said that he was away in his wet land, and he denied that he gave the bundle containing Mo.Os.40, 42 and 44 to P.W.34, Sawamma. He had no defence witness.

Accused 10 said that she stayed in her house that day. D.W.8, her brother, says that Accused 10 was in the house giving him food. And D.W.14, a man of another village, says that he had come to the house to buy some silver and that Accused 10 was in the house until 2 P.M. Accused 10 also says that Gowda Gurubasappa, by whom she appears to mean P.W.3, is ill-disposed towards her: but there is no evidence about that.

Accused 11 said that he was not in Isoor and that he did not give M.O.47 to P.W.50. He had no defence witness.

Accused 12 said that he was in the fields transplanting mango plants with his father. D.W 25 says that this Accused and his father were planting mangoes in his fields at Chikjogihalli all that day.

Accused 13 said that he knew nothing of the affair and that he was not a member of any unlawful assembly. D.W.32 gave evidence that this Accused was in his sugar-cane field a mile and a half away from Isoor close to the witness from 9 O'clock until evening.

Accused 16, a washerman, said that he was away at a channel washing cloths. D.W.41 says that Accused 16 was in the channel a mile from Isoor from 10 to 3 while the witness was grazing cattle near there.

Accused 18 says that he was away in a village in the Davangere Taluk of the Chitaldrug District, and he denies that he took P.W.28 to the temple on the 26th of September. He examined D.Ws. 17 and 18. D.W.17 says that Accused 18 was in the village of Dodbathi in the Davangere Taluk for 3½ months before he was arrested on the 28th of October. He then makes a curious statement that Accused 18 arrived 15 days before the Ganapathi feast, which will take us back only to about the 1st of September. D.W.18 says that he saw Accused 18 in his village of Dodbathi from 15 days before the Ganapathi feast and afterwards until his arrest. The learned Judge does not believe either of those witnesses.

Accused 19 says that he was hiding in his grandmother's house that day until the evening. He examined no witness.

Accused 20 says that he was away in Kalmane, about four miles from Isoor. D.W.38 says that he went at 4 P.M. that day to Kalmane to bring Accused 20 on account of the injury to Accused 5, who is Accused 20's brother.

Accused 21 said he was away in the fields. D.W.37 says that he worked with Accused 21 on Accused 21's ~~M~~ land, 1½ miles away from Isoor, all that day.

Accused 22 says that he was not present at

the occurrence: he was having his food in his house when the disturbance occurred. D.W.10 says that P.W.8 and Accused 22 quarrelled 20 days before the occurrence; and D.W.21 says that P.W.14 and Accused 22 are not on good terms. This Accused has not called any evidence to prove his plea of alibi.

Accused 23 says that he was away grazing some bullocks. D.W.27 says that he and Accused 23 had taken cattle to graze on Accused 23's land, 1 or 1½ miles away from Isoor: they returned in the evening. But, oddly enough, he says that the disturbance was still going on when they returned.

Accused 37 says that she was away in some wet land. She examined no defence witness.

Accused 38 says that she had gone to a field. D.W.6 says that P.W.s. 14 and P.W.30 are not on good terms with Accused 38. But P.W.14 has given no evidence against Accused 38.

Accused 39, who is a boy of 16½, belonging to the High School at Shimoga, says that he came back to the village and started the processions there. He admits that he wrote exhortations in chalk in the temple. But he first denies that he wrote that Government Officers should be hacked or "cut". He says somebody else must have written that maliciously. Then he goes on curiously to say that, if he is given an opportunity to see those words, he can say whether he wrote them or not. He denies that he had anything to do with the board, M.O.25. He admits that he was at the meeting in the temple on the 27th

of September but says that he did not take part in the occurrence. Rather strangely he called a defence witness, D.W.19, to say that Accused 39 was with him at Chikkapura, 3 miles from Isoor, from 9 A.M. to 5 P.M. that day -- a fact which Accused 39 did not mention to the learned Judge. But the witness says that he does not know where Accused 39 was from 1 to 5 P.M. that day.

Accused 40 says that he was not in the village but was in a sugar-cane field. D.W.20 says that he and Accused 40 went to neighbouring sugar-cane fields and were there from 8 to 5-30 that day. But in cross-examination he says he does not know where Accused 40 went in the interval.

Accused 41 says that he does not know anything of the affair. D.W.42 says that he saw Accused 41 at Kalmane until about 12-40 that day.

The learned Judge says that he does not regard the evidence of the defence witnesses, whom I have mentioned, as of any value, and I do not think I could properly disagree with him about that.

In regard to the form in which the Accused' statements were recorded it is to be noticed that the statements, which I have quoted, were made before the prosecution witnesses were recalled for cross-examination. It was the duty of the learned Judge to examine the Accused again after the prosecution witnesses had been recalled and cross-examined. From the record it appears that he did question them again at that stage. But by some mistake he did not record their statements on that occasion in the form

of questions and answers. However the record shows that they all said on that second occasion that they had nothing to add to their previous statements, so that, although the learned Judge's procedure in this matter was irregular, it could have no effect upon the result of the trial. Nor do I think that any complaint of effect can be made against the way in which the learned Judge examined the Accused on the first occasion. It will be noticed that almost every one of them said that he or she was not present and had nothing to do with the affair. It was suggested by Mr. Jayarama Iyer for a number of the Accused that the learned Judge ought to have put all sorts of questions to the Accused about the evidence against them. It would have been I think useless to ask the Accused to explain the evidence about what happened at the occurrence when they denied that they were present at it at all. I think however that the learned Judge ought to have asked the Accused whether they had any reason to suggest why witnesses should give false evidence against them. And, if he was going to use evidence of what any of the Accused had done before the 28th of September, as he did, he ought to have asked them about that evidence so as to give them an opportunity of explaining it. But all the Accused were represented by Counsel before the learned Judge, and it cannot be suggested, and indeed it is not suggested, that any explanation that they wished to offer was not offered. In my opinion it cannot be said that any failure of the learned Judge to make a detailed examination of the Accused has had any effect upon this case. And certainly there is nothing in that matter to affect me in dealing with this case in review under the Special Criminal Courts Act.

The question has been raised before me for the defence whether any of the Accused in this case had the intention necessary to make their acts in regard to the Amildar and the Sub-Inspector murder. I do not follow the reasoning of the learned Judge by which he has arrived at the conclusion that some of the Accused had the definite intention of killing the Amildar or the Sub-Inspector. So far as I can see, there is no reason to infer from the evidence that, when this occurrence began and when the villagers attacked the Amildar and his party, any of the Accused had a definite intention of killing any one. And the learned Advocate-General has not contended before me that any of them had such an intention at that stage. But, when we remember the numerous severe injuries, which the Amildar and the Sub-Inspector received, I think it is a proper inference that those who joined in inflicting those injuries must have intended to cause to the Amildar and the Sub-Inspector respectively bodily injuries, which they knew were likely to cause their victims' death. And it happens that in this case we have a test, a very unusual test, to which that inference can be put. There is the evidence, unquestioned evidence, that some of those who inflicted the injuries on the Sub-Inspector and the Amildar and on the other injured persons, after they had disabled their victims, tied them up, bound them together and left them for hours in the heat of the day in the open, and that, while they were so tied, after a short time both the Amildar and the Sub-Inspector died. It is impossible to contend that any one, who was concerned in tying up the injured persons in that way and in keeping them without

attention to their wounds so that they could not even use their own hands, did not know that the Amildar and the Sub-Inspector were likely to die of their injuries. Those, who were present, must have seen them die. It is absurd to contend that offenders, whoever they were, who behaved like that, did not intend to cause bodily injuries, which they knew were likely to cause their victims' death. They not only knew that it was likely, they knew it actually happened. So those of the Accused, who were concerned in the affair to that extent, had both the intention and the knowledge necessary to make what they did murder.

When we come to the question who directly committed the murders, then we must ascertain who, so far as the evidence shows, joined in inflicting the injuries on the murdered men and how far they did it with a common intention. In such a case as this the others, who are not shown by the evidence to have taken a direct part in the murders, could be held guilty of them only under the provisions of Section 149 of the Penal Code. But, before I consider that section, it is necessary to consider the charge of rioting and the rather strange form in which the charge of rioting, so far as it describes the common objects of the offenders, has been drawn. I have already read the description of the common objects as given in that charge. The first object, "to overawe by criminal force public servants in the exercise of the lawful power of such public servants", is made out by the evidence, provided we understand the words, as I think they must have been intended and

ought to be understood, as referring to the public servants in question, the Amildar and the officers with him. The second object set out in the charge, "to run a parallel illegal administration", cannot have been the object of a riot or of persons concerned in a riot, as the learned Advocate-General has admitted. We must omit that common object from consideration. The third object is "to prevent public servants from entering the village of Isoor and from discharging their duties". I think the learned Judge is right in finding that there is evidence that among the crowd of villagers concerned there were rioters who had that object. It was suggested by Mr. Jayarama Iyer for some of the Accused that the officers who came to the village on that occasion were not engaged in their duty, because the Police Inspector said that they went to advise people in the village to behave properly. It is quite unreasonable to suggest that Government officers going even for that purpose alone on such an occasion would not be doing their duty. But it is clear that the Amildar and the Police Inspector with their companions went on other public duties also. It was an official visit to the village in the course of their duty, and among other things they had to recover the Government records, which had been taken away from the Patel and the Shanbhogue. The fourth object set out in the charge is "to indulge in the activities of the Congress, which was declared an unlawful association, and in other activities which are contrary to the maintenance of law and order by Government". That is, as the learned Advocate-General has admitted, much too vague as a specification of a common object in such a charge and is also inappropriate as the description of what can have been the

object of the rioters at the time they were rioting. The fifth object as set out is "to commit offences of murder, grievous hurt and hurt and wrongful confinement or knowing that such offences are likely to be committed". The learned Judge is obviously wrong in putting in those last words about knowing that such offences were likely to be committed. That is not part of a common object. So far as the rest of that object is concerned, there is quite sufficient evidence that the rioters on this occasion must have intended to cause hurt to the public servants attacked. There is no reason to suppose that in the first instance they intended wrongfully to confine any one. At any rate that is not made out. Nor is it made out that they intended to murder any one. But it cannot be disputed that it was the common object, as the evidence shows, to cause hurt to the public servants concerned. Those who had such a common object must have known that further consequences were likely, though they cannot be said in the first instance to have been proved to have had the object of either murder or grievous hurt. I think the common objects for the purpose of this case should be confined to the objects set out as Nos. 1, 3 and 5 and that No.5 should be confined to the common object of hurt. Those objects are I think clearly established by the evidence, and they are quite enough to make the persons who acted, as the evidence shows some of the villagers did act on this occasion, rioters so that their offence would be rioting, punishable under Section 147 of the Penal Code.

It was suggested in a part of the arguments that the crowd of villagers must have been angered before they attacked the Amildar, the Police Inspector and their party by something that members of that party did to the children of the village. There is no evidence whatever of that. It is, so far as I can see, an entirely baseless suggestion. The evidence on the contrary, as I have pointed out, is that the Amildar and the Police Officers treated the children, so long as they were only being pestered by children, with entire good-nature. It was again suggested by some of the Counsel for the defence that the crowd may have been provoked by the Sub-Inspector firing at them. That would not in any way explain why the crowd first attacked the Amildar and his party, as the evidence shows they did, and there is no legal meaning in speaking of people being provoked by public officers who defend themselves by shooting when they are so attacked. If the members of this crowd of villagers had got into the frame of mind that they were entitled to attack the Amildar and the Police Officers and to attack them still more violently, if they resisted by firing or otherwise, that only emphasises the wickedly disloyal and rebellious frame of mind, in which those villagers would be. And I think the evidence makes it clear that the crowd of villagers or a considerable number of them did come to the place, where the Amildar and his party were, prepared and intending to do mischief to them. Why did they collect in a hurry when a gong was sounded loudly at the temple? And why did they come armed with sticks and pieces of wood? That is a good indication that preparations had been made for what

was done. They were engaged in effect in rebellion against His Highness the Maharaja and His Government and ready to attack Government Officers, when they came to the village.

A question has been raised whether the learned Judge was right in applying the provisions of Section 149 of the Penal Code so as to find all the Accused, who were not convicted of directly taking part in the murder of the Amildar or of the Sub-Inspector, as the case may be, guilty of those murders under the provisions of that section. I think the learned Judge has fallen into an error in that matter. Section 149 runs:- "If an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly or such as the members of that assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence, is a member of the same assembly, is guilty of that offence". Now, as I have mentioned, I do not find it established that it was part of the common object of those engaged in this rioting to commit murder. It was I think clearly part of their common object to commit hurt to the Officers concerned; and, if that was their object, when they committed hurt to such an extent, as they did, and in such circumstances, they must all have known that grievous hurt was likely to be committed, even if that was not definitely their object, but they need not have known within the meaning of Section 149 of the Penal Code that murder was likely to be committed. That knowledge can be attributed I think only to those of the assembly, who are shown by the evidence to have remained at least until the injured people were tied

up in circumstances in which anybody present must have known that two of them were likely to die. I doubt also whether the learned Judge was right in finding all the members of the assembly, whom he convicted, guilty of rioting punishable under Section 148 of the Penal Code, i.e. rioting being armed with a deadly weapon. It is not definitely established that every one of the Accused before me was armed with a deadly weapon, though no doubt some of them were. The consequences show that some of the offenders were armed with deadly weapons within the meaning of that section. But, although the learned Judge has made a mistake by convicting all of these Accused of rioting punishable under Section 148 of the Penal Code, that has made no practical difference, because he has imposed upon them only a sentence which could be ~~imposed for~~ imposed for rioting without being armed with deadly weapons, which would be rioting punishable under Section 147 of the Penal Code. And sitting here in review it is quite unnecessary for me to interfere with his decision on that point.

Now it will be necessary for me to consider, as the learned Judge has considered, the evidence against each of the Accused separately. Accused 1 has been convicted of murdering the Amildar, of murdering the Sub-Inspector, of causing grievous hurt to the Inspector and grievous hurt to Police Constable Venkatapathi <u>alias</u> Jattappa and simple hurt to the Revenue Inspector. He has also been convicted of wrongfully confining the injured persons and of rioting. That he took part in beating the Amildar is stated by P.W.6 and P.W.40 besides the statement

of P.W.14 that he was among those beating the Amildar and his party. P.W.46, the Revenue Inspector, says that Accused 1 beat the Amildar and the Sub-Inspector after they had been tied up, which would be extraordinarily cruel conduct. In regard to the charge of murdering the Sub-Inspector P.W.23, the Inspector says that Accused 1 hit the Sub-Inspector on the head, P.W.30 says that Accused 1 beat the Sub-Inspector, and P.Ws. 32 and 46 say that he did so after the Sub-Inspector had been tied up. That Accused 1 was in the affair to the end, so far as the murdering of the Amildar and the Sub-Inspector is concerned, is shown also by the evidence of P.W.14, P.W.23, P.W.32, P.W.33 and P.W.46 that Accused 1 was among those who tied the injured men up. So far as causing grievous hurt to the Inspector and the Police Constable, Venkatapathi those witnesses say that Accused 1 was among those who hit them. I can find no sufficient reason to differ from the learned Judge's finding that Accused 1 is guilty on Charges 1, 2, 3, 5, 9 and 10, besides those charges of guilt within the meaning of Section 149 of the Penal Code in regard to the other injured persons. But I think the learned Judge was clearly mistaken in finding Accused 1 guilty on Charge 8 of causing hurt to the Revenue Inspector. I can find no evidence of that. Accused 1 must therefore be acquitted on Charge 8.

Accused 2 has been convicted by the learned Judge on Charges 1,2,3,5,9 and 10 besides other charges under the provisions of Section 149 of the Penal Code. In regard to Charge 1, the murder of the Amildar, there is the evidence against him of

P.Ws. 6, 14, 40 and 46. In regard to the murder of the Sub-Inspector there is the evidence against him of P.Ws. 23, 30 and 32; and that evidence in regard those two murders, so far as he is concerned, is reinforced by the evidence of P.Ws. 14 and 46 that Accused 2 tied up the injured men. P.W.23 says that Accused 2 hit him. P.W.32 says that Accused 2 hit him. I can find no sufficient reason for interfering with any of the convictions of this Accused.

Accused 3 has been convicted by the learned Judge on Charges 1, 2 and 10, apart from charges under the provisions of Section 149 of the Penal Code. In regard to Charge 1, the murder of the Amildar, there is only agagainst him directly the evidence of P.W.6 and P.W.14 that he beat the Amildar and the Amildar's party -- evidence rather general in nature and not, I think, specific enough to support a direct charge of murder. In regard to Charge 2 of murdering the Sub-Inspector there is a good deal of evidence against this Accused. P.Ws. 19 and 32 say that he was one of those who began beating the Sub-Inspector. P.W.25 and P.W.30 both say that he beat the Sub-Inspector; and so does P.W.40. P.W.46 says that after the injured persons were tied up this Accused was telling others that two men had died and that the injured should be burnt; and P.W.33 says that it was Accused 3 who shouted that they should be tied up. There is quite sufficient evidence against Accused 3 to support his conviction of murdering the Sub-Inspector. P.W.23 says that he saw Accused 3 in the crowd. P.W.33 says that he saw Accused 3 beat the Amildar; but of that last statement I shall take no notice, as the witness did not state

it to the investigating Officer. Accused 3 in my opinion must be acquitted on Charge 1, that he directly joined in the murder of the Amildar. But, as he was there to the end inciting others to tie up the injured people and urging them to do more harm to those who survived after two had died, there is no doubt that he is guilty in respect of the murder of the Amildar under the provisions of Section 149 of the Penal Code -- guilty with the knowledge that murder was likely to result from the rioting; i.e. instead of being convicted on Charge 1 he must be convicted on Charge 11. Otherwise his convictions as made by the learned Judge will stand.

Accused 4 has been convicted on Charges 2 and 10, apart from charges of liability under Section 149 of the Penal Code. P.W.6 says that he saw Accused 4 beating the Sub-Inspector. P.W.11 says the same. P.W.14 says that Accused 4 was in the crowd beating the Amildar and his party. P.W.19 is specific that Accused 4 was one of those who began beating the Sub-Inspector. P.W.23 says he was in the crowd. P.W.32 says that he was one of those who began the beating of the Sub-Inspector. P.W.33 says that he was in the crowd. P.W.40 says that Accused 4 beat the Sub-Inspector, and so does P.W.46. I have mentioned that Accused 4 had a gun-shot wound. He appeared with it at the Shimoga Hospital on the evening of the 29th of September. According to the medical evidence it was a wound which might well have been made with a revolver bullet such as would be fired from the Sub-Inspector's revolver, M.O.28, the entrance being under the right ear and the exit in

the right cheek. Accused 4 admits that he got that wound in the course of the disturbance on the 28th of ~~Sept~~ September at Isoor. He has given his explanation of his presence at the disturbance, which the learned Judge has not accepted, I think rightly. A good deal has been made in the arguments before me about the medical evidence in regard to Accused 4. The wound certificate given by the Sub-Assistant Surgeon, P.W.9, who examined him on the 29th of September in Shimoga, and the evidence of that witness both make out that the entrance wound was charred, which would indicate that the shot, which caused that wound, was fired against Accused 4 at quite a short range. It has been suggested by Mr. Subba Rao for Accused 4 that there has been some false evidence created to show that that wound was charred. The ground for that suggestion is that in the Accident Register of the hospital, Exhibit P-25, the words "The wound is charred" appear in darker ink than the rest of the entry in that register, and there is no reference to charring in the History Sheet, Exhibit P-51, maintained in the hospital and written by P.W.58, another Sub-Assistant Surgeon. I do not think there is really anything suspicious about the evidence that this wound was charred when it was first seen at the Shimoga hospital. Neither P.W.9 nor P.W.58 was asked anything about this suggestion that a false record that the wound was charred had been made in the Accident Register, when he was first examined for the prosecution or when he was recalled a long time afterwards for cross-examination, though the same History Sheet had been produced before the cross-examination. However, if we were to assume

that the entrance wound found below Accused 4's right ear was not charred and that he was not, when he received that wound, near enough to the Sub Inspector's revolver to get the wound charred, that would really be of no use to Accused 4 in the face of the evidence against him. It is quite unnecessary to assume, as Mr. Subba Rao has asked me to assume, that, if Accused 4 was shot while he was an offender, he must have been within arm's length of the Sub-Inspector. No one says that he was so close as that when he was shot. So far as I can see there is no sufficient reason to doubt the evidence that Accused 4 did beat the Sub-Inspector, as so many witnesses say. But according to the evidence he received a shot wound from the Sub-Inspector's revolver comparatively early in the disturbance, and, when he was wounded, he fell down and was taken away. Now I do not think the evidence justifies us in inferring that Accused 4 before he was shot had a definite intention of murdering the Sub-Inspector. So far as I can see, there is no sufficient evidence against him to support more than a conviction of causing grievous hurt, so far as what he did to the Sub-Inspector is concerned. That I think must apply also to his complicity within the meaning of Section 149 of the Penal Code in the attack upon the Amildar. He was taken out of the fight before it was clear that the Amildar was going to be killed or likely to be killed, so far as I can see, though he must have known that the Amildar was likely to receive grievous hurt, as indeed he did. In my opinion Accused 4 must be acquitted on Charge 2 of directly taking part in the murder of the Sub-Inspector and must be

convicted on that charge only of causing grievous hurt, punishable under Section 333 of the Penal Code. In regard to Charge 11, complicity in the murder of the Amildar, I think he must be found guilty within the meaning of Section 149 only of complicity in causing grievous hurt, punishable under Section 333 of the Penal Code, to the Amildar. With those two alterations, the convictions of Accused 4 I think should stand.

The case against Accused 5 is similar to that against Accused 4 because Accused 5 also, as is admitted, received a wound from a revolver bullet fired by the Sub-Inspector in the course of the disturbance. There are the same suggestions about the evidence that the entrance wound, which was near the top of Accused 5's right shoulder, was charred being fabricated, which I do not find has been made out. But there is quite sufficient evidence that Accused 5 took part in this affair and caused injury to the Sub-Inspector. He has been convicted on Charge 2 of murdering the Sub-Inspector and on Charge 10 besides the charges of complicity under the provisions of Section 149 of the Penal Code. So far as attacking the Sub-Inspector is concerned, there is the evidence of P.Ws. 6,19,32,40 and 46 against him, of whom P.Ws.19 and 32 say that Accused 5 was one of those who began the beating of the Sub-Inspector. There is also the evidence of P.W.14 that Accused 5 was among those who beat the Amildar and his party and the evidence of P.Ws. 23, 30 and 33 that he was in the crowd. P.W.33 says that Accused 5 was one of those

who took the Constable, P.W.28, to the temple on the 26th of September and was also one of those at the meeting on the 27th of September. As in the case of Accused 4 I do not think that it is made out that Accused 5, who after he was shot comparatively early in the proceedings was taken away from the scene, was directly guilty of the murder of the Sub-Inspector. I think he like Accused 4 should be acquitted on Charge 2 of murdering the Sub-Inspector, and on that charge he must be convicted only of causing grievous hurt to the Sub-Inspector -- grievous hurt, punishable under Section 333 of the Penal Code -- which the evidence shows he joined in doing. And in regard to Charge 11, on which he has been convicted within the provisions of Section 149 of the Penal Code of being concerned in the murder of the Amildar, I think that, as in the case of Accused 4, that conviction must be reduced to a conviction of being concerned in causing grievous hurt to the Amildar, punishable under Section 333 of the Penal Code, as a person joining in the riot and knowing that such grievous hurt was likely to be the result of what was being done in pursuance of the common object of the rioters. In other respects the convictions of Accused 5 should stand.

Accused 7 has been convicted of murdering the Sub-Inspector on Charge 2 and of rioting on Charge 10, as well as on charges of complicity in other offences within the meaning of Section 149 of the Penal Code. On Charge 2 the only evidence that he did anything directly to the Sub-Inspector is that of P.W.32 that he beat the Sub-Inspector and that of P.W.6, who also says that Accused 7 beat the Sub-

Inspector

Sub-Inspector but did not say so to the investigating Officer. That is not sufficient evidence in my opinion to support the charge of direct murder against this Accused. But there is plenty of evidence that he was taking part in the affair. P.Ws. 11,14,23,30 and 33 all say that he was in the crowd attacking the officials But I find no evidence that he remained there even so long as the time when the injured people were tied up. In my opinion therefore Accused 7 must be acquitted on the charge of murdering the Sub-Inspector; and in regard to what was done to the Sub-Inspector I do not think that under the provisions of Section 149 of the Penal Code he can properly be found guilty in any way of that murder. What he appears to me to be guilty of in regard to the Sub-Inspector under the provisions of Section 149 of the Penal Code is of causing grievous hurt to the Sub-Inspector, punishable under Section 333 of the Penal Code, i.e. on Charge 15. He has been convicted by the learned Judge on Charge 11 of being concerned within the meaning of Section 149 of the Penal Code in the murder of the Amildar. I think that conviction must be altered into a conviction of causing grievous hurt to the Amildar,punishable under Section 333 of the Penal Code, within the meaning of Section 149 of that Code.

Accused 8 has been convicted on Charges 1,2 and 10, i.e. of murdering the Amildar, murdering the Amildar, murdering the Sub-Inspector and rioting, besides the charges under the provisions of Section149 of the Penal Code. In regard to the murder of the Amildar there is the evidence of P.W.32 that Accused 8 was in the crowd and that he dragged the Amildar from the pial of the temple and the evidence of P.W.40 that he was among those attacking the Amildar. On the charge that he joined in the murder of the Sub-Inspector there is the evidence of P.W.25 that he beat the Sub-Inspector, the evidence of P.W.32 to the same effect and similar evidence from

from P.W.40. I do not think there is sufficient reason to interfere with any of the convictions which the learned Judge has recorded against this Accused.

Accused 9 has been convicted on Charges 2, 5 and 10, i.e. of murdering the Sub-Inspector, causing grievous hurt to Police Constable Venkatapathi alias Jettappa, P.W.32, and of rioting, apart from the charges under Section 149 of the Penal Code. That he took part in the attack on the Sub-Inspector is shown by the evidence of P.W.8, P.W.25, P.W.30, P.W.32 and P.W.33 that he hit the Sub-Inspector. And there is also the evidence, which I do not think I can disagree from the learned Judge by rejecting, that he entrusted to Savamma, P.W.34, a bundle containing the Sub-Inspector's ring and watch and chain. There is also the evidence of P.W.32, the Police Constable Venkatapathi, that this Accused beat him in support of Charge 5 and the evidence that this Constable's whistle was in the bundle given to P.W.34. I do not see any sufficient reason for interfering with any of the convictions of this Accused.

Accused 10, a woman, has been convicted on Charge 1 of murdering the Amildar, on Charge 3 of causing grievous hurt to the Police Inspector, P.W.23, and on Charge 10 of rioting besides the charges of complicity in the other offences under Section 149 of the Penal Code. P.W.14 says that he saw her among those with clubs in the crowd beating the Amildar and his party. P.W.25 says

that

that she was one of those who beat the Amildar. P.W.32 says that she dragged the Amildar from the pial. P.W.33 says that she was in the crowd with a club and beat the Amildar. P.Ws.40 and 46 also say that she beat the Amildar. There is also the evidence given by P.W.32 and P.W.40 that, after they had been tied up, they asked for water, and she had the xx cruelty to refuse that and refused it with a filthy suggestion that something else should be given. P.W.23, the Police Inspector, says that she hit him with a club and she was guarding them all, after they were tied up, with a club. It appears he described her as a woman with two nose-screws. I have mentioned already that the learned Judge found that she could have recently worn only one. But that is not enough to throw doubt upon the Inspector's identification of this woman; and it will be seen there is a great deal of other evidence against her. It has been suggested that P.W.14's evidence is not trustworthy against her, the reason suggested being that 10 years ago he was concerned in a murder case and on that occasion he said that he had been implicated in it at the instance of sowcar Basavanappa, the husband of this woman. That was a long time ago. P.W.14 says that they have been reconciled. P.W.25 it is suggested is an enemy of this xxxx woman because his cousin, P.W.30, who does not give evidence against her, was implicated in the same murder case. Those are not sufficient reasons in my opinion for disbelieving the evidence of either of those witnesses. But, even if we were to exclude

the evidence of those witnesses altogether, there is still enough evidence against this woman that she was thoroughly concerned in the killing of the Amildar. So far as I can see, there is no sufficient reason for interfering with the convictions of Accused 10.

Accused 11 has been convicted of murdering the Amildar on Charge 1 and on Charge 2 of murdering the Sub-Inspector, on Charge 5 of causing grievous hurt to Police Constable Venkatapathi and on Charge 10 of rioting besides the charges of liability under Section 149 of the Penal Code. On Charge 1, that he took part in the murder of the Amildar, there is not very much evidence. There is the evidence of P.W.14 that he was one of those in the crowd beating the Amildar and his party -- not very definite evidence. There is the evidence of P.W.25 that he beat the Amildar. There is the evidence of P.W.50 that on that evening Accused 11 gave him a watch, which has been identified as being the Amildar's watch, M.O.47, which P.W.50 says he handed on to another man and afterwards got back from him at the request of the Police. There is some doubt about the evidence in regard to the giving of that watch by Accused 11 to P.W.50 and some conflict between P.W.49 and the investigating Officer, P.W.62, as to who gave information to the Police about it and the rather strange evidence of P.W.49 that Accused 11 not only gave this watch to P.W.50 to keep but told P.W.49 about it. The learned Advocate-General does not attribute

much

much weight to the evidence about the recovery of the watch. Without that I think there is no sufficient evidence against Accused 11 to show that he was one of those who took part in the murder of the Amildar. That he took part in the murder of the Sub-Inspector is said only by P.W.23, the Inspector, and the evidence of one witness about what occurred in such a disturbance is not sufficient to support such a charge. In my opinion Accused 11 must be acquitted of the two charges of murder against him-- Charge 1 and Charge 2: he must be convicted in respect of those victims on Charges 11 and 15, but even on those charges not of murder but of causing in each case grievous hurt, punishable under Section 333 of the Penal Code. In other respects the convictions recorded against him will stand.

Accused 12 has been convicted of causing grievous hurt, punishable under Section 333 of the Penal Code to Police Daffadar, P.W.40, who gives evidence of that, and also of rioting on Charge 10, in addition to the charges under Section 149 of the Penal Code. P.W.32 gives evidence that he saw Accused 12 in the crowd and that Accused 12 dragged the Amildar from the pial. I see no sufficient reason to interfere with the convictions of this Accused on Charges 4 and 10. But, where he has been convicted on Charge 11 of complicity in the murder of the Amildar under Section 149 of the Penal Code, I think his conviction must be altered to one of grievous hurt, punishable under Section 333 of the Penal Code. And similarly his conviction on Charge 15

of complicity in the murder of the Sub-Inspector must be reduced to a conviction of grievous hurt, punishable under Section 333 of the Penal Code, within the meaning of Section 149 of that Code.

Accused 13 has been convicted on Charge 5 of causing grievous hurt to Police Constable Venkatapathi, P.W.32, of rioting on Charge 10. 10 and on the charges under Section 149 of the Penal Code. On the charge that he caused grievous hurt to P.W.32 there is the evidence of P.W.32 himself. Otherwise there is the evidence of P.Ws.6 and 14 that Accused 13 was in the crowd beating the Amildar and his party, of P.W.30 that he was in the crowd and of P.W.46 that he was one of those who beat the Amildar. There is no sufficient reason to interfere with his convictions on Charges 5 and 10. But in his case also I think his convictions on Charges 11 and 15 must be reduced to convictions of grievous hurt, punishable under Section 333 of the Penal Code.

Accused 16 has been convicted on Charge 10 of rioting as well as on the charges of complicity in other offences under Section 149 of the Penal Code. P.W.19 says that he was in the crowd with a club, and P.W.32 says that he was in the crowd. There is also the evidence of P.W.26 and P.W.52 that later in the day Accused 16 was with a party of other villagers of Isoor looking for Policemen or bicycles of Policemen at Chikjogihalli, where the Police party had left their bicycles that morning. There is no reason, so far as I can see, for interfering with the conviction of Accused 16 on Charge 10. But, as in the case of

several others of the Accused I have mentioned, I think his convictions on Charges 11 and 15 of complicity in the murders of the Amildar and the Sub-Inspector respectively should be reduced to convictions in each case of grievous hurt, punishable under Section 333of the Penal Code.

Accused 18 has been convicted on Charge 3 of causing grievous hurt to the Police Inspector, P.W.23, of rioting on Charge 10 and on the charges under Section 149 of the Penal Code. P.W.11 says that he was in the crowd, P.W.23 that he was in the crowd and P.W.32 that he was in the crowd and afterwards tied him to the stack of firewood. P.W.33 says that Accused 18 was in the crowd with a club and beat the Inspector. P.W.33 also says that he saw Accused 18 among those who were taking the Police Constable, P.W.28, to the temple on the 26th of September. I see no sufficient reason for interfering with the convictions of this Accused on Charges 3 and 10. He has been convicted of the murders of the Amildar and the Sub-Inspector respectively on Charges 11 and 15 under the provisions of Section 149 of the Penal Code. As there is evidence that he remained in the affair and took part in tying up at least one of the injured persons, I think the learned Judge's conviction of him for murder on each of those charges is correct and should stand.

Accused 19 is a boy of only 15 years of age. Five witnesses, P.Ws.6, 11, 14, 30 and 33 say that he was in the crowd. P.Ws.30 and 33

say

say that he had a stick. P.W.14 says that he was one of those beating the Amildar and his party. On that evidence he has been found guilty of rioting on Charge 10. But 2 of the witnesses against him, P.Ws.30 and 33, did not mention him to the investigating Officer. The evidence in effect against him is that here was a boy of 15 in the crowd, with a stick according to the evidence of some of the witnesses. I do not think that is sufficient to show that he , being so young, was in the crowd with the common objects attributed to the offenders or that he really understood enough of what was going on to make him guilty of any of the offences, with which he has been charged in this case. I must acquit him on all the charges, on which he has been convicted. He will be set at liberty.

Accused 20 has been convicted on Charge 1 of murdering the Amildar, on Charge 9 of wrongful confinement and on Charge 10 of rioting and also on the charges of being guilty of other offences under Section 149 of the Penal Code. Against him there is the evidence of P.W.14 that he was in the crowd beating the Amildar and his party, of P.W.19 that he was in the crowd with a stick, of P.30 that he beat the Amildar, of P.W.32 that he was in the crowd and of P.W.33 that he beat the Amildar as he lay with his face on the ground and that he joined in tying up the injured persons. When there is that evidence against him I do not think I should be justified in interfering with the learned Judge's finding that Accused 20 took part in the murder of the Amildar. I find no sufficient reason to

interfere

interfere with the convictions of this Accused on any of the charges on which he has been found guilty.

Accused 21 has been convicted on Charge 7 of causing hurt to Police Constable, Isak Mia, of wrongful confinement on Charge 9 and of rioting on Charge 10 besides the charges of complicity in other offences under Section 149 of the Penal Code. P.W.11 says that this Accused was in the crowd with a stick. P.W.19 says that this Accused beat him. P.W.23 says that this Accused tied him up to the Revenue Inspector. P.W.32 says that he saw him in the crowd and that he tied up the witness and others. P.W.33 says that he was in the crowd with a stick. I see no sufficient reason for interfering with the convictions of this Accused on any of the charges on which he has been found guilty; and, as he took part in the tying up of the injured persons, I think the learned Judge was right in finding him guilty under the provisions of Section 149 of the Penal Code of murder on both Charge 11 and Charge 15.

Accused 22 has been convicted on Charge 1 of murdering the Amildar, on Charge 4 of causing grievous hurt to the Police Duffadar and on Charge 10 of rioting and also on the charges in respect of other offences under Section 149 of the Penal Code. The evidence that he took part in the murder of the Amildar is that of P.W.8 that he beat the Amildar and of P.W.14 in a general way that he was one in the crowd that

was beating the Amildar and his party. That in my opinion is not sufficient to support the charge of murder. There is also the evidence that he beat the Police Daffadar, P.W.40, given by the Daffadar himself, the evidence of P.W.32 that he was in the crowd and the evidence of P.W.31 that he was among the persons who pursued and searched for the Police Constable Isak Mia, P.W.19. In my opinion Accused 22 must be acquitted on the charge of murdering the Amildar, Charge 1. His other convictions must be upheld except so far as Charge 15 is concerned. In regard to what was done to the Amildar I must convict Accused 22 under the provisions of Section 149 of the Penal Code of causing grievous hurt to the Amildar, punishable under Section 333 of that Code; and his conviction of murder within the provisions of Section 149 of the Penal Code on Charge 15 must be reduced to a similar conviction of causing grievous hurt, punishable under Section 333 of that Code, to the Sub-Inspector.

Accused 23 has been convicted on Charges 4 and 10, i.e. of causing grievous hurt to the Police Daffadar and of rioting, apart from the charges of complicity in other offences under Section 149 of the Penal Code. The evidence on Charge 4 is that given by the Police Daffadar himself that Accused 23 beat him. The other evidence that he was concerned in the riot is that given by P.Ws.19, 23, 32 and the evidence of P.W.57, Police Constable Ramiah, that Accused 23 hit him. The evidence of P.W.19 cannot be regarded as of value, as he did not

mention

mention this Accused to the investingating Officer. But there is sufficient evidence to support the learned Judge's conviction of this Accused on Charges 4 and 10. On Charges 11 and 15 I must, as in other instances, reduce the convictions of this Accused to convictions of grievous hurt to the Amildar and the Sub-Inspector respectively, punishable under Section 333 of the Penal Code, as there is no clear evidence that this Accused did anything to show that he knew that the murder of either of those Officers was likely or stayed in the affair until they were tied up after they had been injured.

Accused 37, a woman, has been convicted on Charge 1 of murdering the Amildar and on Charge 10 of rioting besides charges of complicity in other offences under Section 149 of the Penal Code. The evidence that she took part in the murder of the Amildar is that of P.W.14, who says in a general way that she was one of the people in the crowd beating the Amildar and his party, and, much more important, that of P.W.33, who says that she was one of the persons who dragged the Amildar from the pial and beat him, and the evidence of P.W.40 that she was one of those who beat the Amildar. P.W.40 says that this woman was among those who refused water to the injured persons when they asked for it and also that she beat the dead and the injured after they had been tied up. There is the evidence of P.W.11 that she was in the crowd, of P.W.19 that she pursued him and the evidence of P.W.31 that she came to his house in search

of P.W.19. I see no sufficient reason to interfere with the convictions of this Accused on any of the charges, on which she has been found guilty.

Accused 38 is another woman, who has been convicted on Charge 8 of causing hurt to the Revenue Inspector and on Charge 10 of rioting besides charges of complicity under Section 149 of the Penal Code. That she caused hurt to the Revenue Inspector is the evidence which he gives as P.W.46. P.W.11 says that she was in the crowd, P.W.23 that she was in the crowd and afterwards she was guarding the injured persons with a club after they had been tied up. P.W.30 says that she beat the Amildar. P.W.40 says that she hit him, that she refused water to the injured persons after they had been tied up and that she beat the dead and the injured. I can see no sufficient reason for interfering with the convictions on the charges on which she has been found guilty.

Accused 39 is a boy of 16½ years. He has been found guilty on the charge of rioting as well as on charges of complicity in other offences under Section 149 of the Penal Code. P.W.14 has given evidence that he was in the crowd beating the Amildar and his party. P.W.23, the Inspector, says that he was there. The Inspector did not repeat that in his cross-examination, when he was asked to identify some of the Accused after their positions had been altered. P.W.30 says that Accused 39 was in the crowd; but he did not say that to the

investigating Officer. P.W.33 says that he saw him in the crowd with a stick. P.W.28 and P.W.33 say that this Accused was at the meeting on the 27th of September in the temple, which Accused 39 admits. I see no sufficient reason to interfere with the conviction of Accused 39 on Charge 10. But on Charges 11 and 15 I think it is clear that he should have been convicted in respect of what was done to the Amildar and the Sub-Inspector in the way of finding him guilty under the provisions of Section 149 of the Penal Code only of committing grievous hurt to those officers, punishable under Section 333 of the Penal Code, and not of murder, and his convictions will be altered accordingly.

Accused 40 has been convicted on Charge 9 of wrongful confinement and on Charge 10 of rioting in addition to charges of complicity in other offences under Section 149 of the Penal Code. There is the evidence of P.W.11 that he was in the crowd. There is the evidence of P.W.14 that he was in the crowd beating the Amildar and his party and also that he joined in tying up the Amildar and the Sub-Inspector. The Police Inspector identified him in his examination-in-chief but not in cross-examination. I do not see any sufficient reason to interfere with the learned Judge's convictions of this Accused; and, as he was in the affair until the ~~tym~~ tying up of the injured persons and joined in it, I think the learned Judge was right in finding on Charges 11 and 15 that he was guilty of murder under the provi-

Accused 41 has been convicted on Charge 3 of causing grievous hurt to the Police Inspector, on Charge 4 of causing grievous hurt to the Police Daffadar, P.W.40, on Charge 6 of causing grievous hurt to Ramiah, P.W.57, and on Charge 10 of rioting besides charges of complicity in other offences under Section 149 of the Penal Code. On Charge 3 there is the evidence of P.W.33 that he beat the Inspector. On Charge 4 there is the evidence of the Daffadar, P.W.40, himself that Accused 41 beat him. On Charge 6 there is the evidence of P.Ws.8 and 57 that Accused 41 beat P.W.57. There is also the evidence of P.Ws.14, 23 and 30 that Accused 41 was in the crowd and with a stick according to P.Ws.14 and 30. I do not see any sufficient reason for interfering with the convictions of this Accused except on Charges 11 and 15. On those charges his convictions will be reduced to convictions of causing grievous hurt, punishable under Section 333 of the Penal Code, to the Amildar and the Sub-Inspector respectively.

There remains only the question of sentence. It cannot be denied that the offences of which these Accused have been convicted with the exception of Accused 19, who is acquitted, were most serious; and they have some extraordinary features. The evidence shows that they were committed because with the most deplorable success some people had been working up disloyalty and rebellion in this village. But it is extraordinary that such offences should have been committed against public

servants

servants of this State in the circumstances. What it appears had caused a disturbed feeling in the village of Isoor was something which had happened in British India, something which had been done under the orders of the Government of India or the Government of some part of British India to persons who are not connected with Mysore in any way. It was quite open to the villagers of Isoor, as to anyone else in the world, to have their own opinion about what was done in British India in that way. But only by the most perverted reasoning could any one be brought to think that the Government of Mysore or any officer of Mysore was in any imaginable way responsible for what was so done. There was nothing whatever in what happened to justify even the most ignorant in feeling animosity against any officer of the Mysore State, still less in cultivating disloyalty to His Highness the Maharaja or attempting to work up rebellion against His Highness or His Government; and yet that is what we find had been going on in Isoor. That was the frame of mind which some wicked people had brought about in a considerable number of the villagers. That is extraordinary and deplorable. But there is much worse in this case than that. This case has disclosed not only disloyalty and rebellion in that village but savagery, which no one would have imagined could be found in any village in Mysore. To attack Government Officers such as those who were injured in this case furiously so that two of them were killed would be a dreadful thing in any case. But there is something much more than that

in this case. When two of those officers were at the point of death in consequence of the injuries that had been inflicted upon them, they and the other injured persons, all of whom had many wounds, except the one who escaped were tied up in the heat of the day and left tied up for hours. Their requests for water were refused with filthy insults. When one man had the humanity to bring them water, the water-pot was taken away from him and thrown on the ground. Nothing was done to relieve the sufferings of the injured men. They were tied in such a way that they could not even use their hands. Two of them died at an early stage in the proceedings. Others became unconscious. No one in this village raised any protest at what was done, and no one attempted to help those injured people, and no one attempted to rescue them. They were left like that for four hours. It was only when people more human came from another village that those who were still alive were rescued. Now how would such a thing happen? The conduct of those who were responsible for tying up the injured people and keeping them tied up for hours, refusing them aid or water and insulting them, was not the conduct of civilised people but of brutal savages. Who would have ever thought that we should hear of such a thing in Mysore? Nothing of the kind has been know in this State for generations, if it was ever known. These people have brought disgrace upon Mysore and have made the name of their village Iscor, a byword throughout the country for savagery. That is where incitement to violence for political

purposes has led a village, which was rich and prosperous and should have been peaceful. It is a dreadful tale. And I think in the circumstances it is quite impossible to say that for those who have been found guilty of directly participating in the murders of the Amildar and the Sub-Inspector except perhaps Accused 20 any sentence but death would be appropriate. The learned Judge has mercifully refused to sentence any of the women concerned to death. But there was nothing less brutal in what the women concerned did than in what the men did in this case. Except in their physical confirmation there appears to be nothing womanly in any of the Accused concerned, Accused 10, 37 and 38. However in reviewing a case like this I am certainly not concerned with any question of enhancement of sentences.

On Charge 1 the sentences of death imposed by the learned Judge on Accused 1, 2 and 8 must stand. The sentences on the two women found guilty on this charge, Accused 10 and Accused 37, of transportation for life must also stand. Accused 20 in respect of the murder of the Amildar must be found guilty; but I reduce his sentence to transportation for life. Accused 11 and Accused 22 I find guilty not of murder but of grievous hurt on this charge. One thing in the learned Judge's decision has surprised me. Although he found several of the Accused guilty of grievous hurt, punishable under Section 333 of the Penal Code, he sentenced them each only to rigorous imprisonment for two

years for that offence. That was in my opinion an obviously inadequate sentence for such an offence. But the learned Judge no doubt was influenced by the fact that the accused persons whom he so sentenced were also sentenced on other counts to transporation for life. Now that I have to consider the sentence, which should be imposed for grievous hurt, punishable under Section 333 of the Penal Code, on Accused 11 and Accused 22 on this charge, I must form my own opinion as to what is the appropriate sentence under that section. The maximum sentence under that section is rigorous imprisonment for ten years. I cannot at present imagine any worse case of causing grievous hurt to Government Officers in the performance of their duty than the hurt caused to the Amildar and the Sub-Inspector in this case. I therefore sentence Accused 11 and Accused 22 each to rigorous imprisonment for ten years for that offence.

On Charge 2 the convictions of Accused 1, 2, 3, 8 and 9 of murdering the Sub-Inspector and the sentences of death imposed upon them must stand. Accused 4, 5, 7 and 11 were convicted by the learned Judge of murder on that charge. But I find them guilty only under Section 149 of the Penal Code and only of grievous hurt to the Sub-Inspector under the provisions of that section -- grievous hurt, that is, punishable under Section 333 of the Code. Each of those Accused except Accused 7 for that offence I sentence to undergo rigorous imprisonment for ten years. Accused 7 is only 18 years old. I take

that

that into consideration and sentence him for that offence to undergo rigorous imprisonment for 5 years.

The sentences imposed for the convictions on Charge 3 I need not interfere with; nor with those imposed for the convictions on Charge 4; and similarly with the convictions and sentences on Charges 5, 6 and 7.

On Charge 8 Accused 1 is acquitted. The conviction and sentence of Accused 38 on that charge must stand.

On Charge 9 the convictions and sentences of Accused 1, 2, 20, 21 and 40 will stand.

On Charge 10 I interfere with none of the convictions or sentences except those of Accused 19 who has been acquitted.

On Charge 11, i.e. complicity in the murder of the Amildar within the provisions of Section 149 of the Penal Code, the learned Judge found Accused 4, 5, 7, 9, 12, 13, 16, 18, 21, 23, 38, 39, 40 and 41 guilty and he sentenced each of them to transportation for life. I see no reason to interfere with the sentences on Accused 9, 18, 21, 38 and 40 on this charge. But the other Accused, who have been convicted on this charge, apart from Accused 19, who has been acquitted, I convict only of grievous hurt, punishable under Section 333 of the Penal Code, acquitting them of murder. In respect of all of those other Accused except Accused 7 and Accused 39 I sentence each of them to undergo rigorous

imprisonment for ten years. Accused 7 is a youth of 18. He has taken part in very serious offences. But it will be sufficient I think to sentence him on this charge to undergo rigorous imprisonment for five years, and I order accordingly. Accused 39 is a boy of 16½, of an age at which one would ordinarily be very reluctant to send any boy to prison for a long time. But there is a great deal against him. As he admits, he has been largely responsible, no doubt encouraged by others more wicked than himself, for stirring up the feelings of disloyalty and rebellion in the people of Iscor, which have led to these dreadful consequences. He admits that he wrote up a number of most objectionable things in the village temple, including what I regard as almost the most serious one, an incitement to cut telegraph wires -- one of the most wicked and unpatriotic things which anybody could do when his country is at war. He wrote that up professing that he did it under the authority of the leaders of a political association in British India, which he appears to admire. If the leaders of that association really incited people to cut telegraph wires while their country was at war, then they were traitors to India. It is also quite clear that Accused 39 had been inciting other people to xx violence, to the very violence which resulted in these dreadful consequences -- to destory Government property, to burn down Government offices and to burn the houses of those who did not agree with him politically. It is a dreadful thing that one so young should show such

precocious

precocious tendencies to violence and treachery. The least sentence that I can impose upon him on this charge is rigorous imprisonment for three years, and I sentence him accordinly.

On Charge 15, i.e. complicity in the murder of the Sub-Inspector within the meaning of Section 149 of the Code, the learned Judge has convicted, apart from Accused 19, whom I acquit, Accused 10, 12, 13, 16, 18, 20, 21, 22, 23, 37, 38, 39, 40 and 41 and has sentenced all of them to transportation for life. I seeÿ no sufficient reason to interfere with that sentence in the cases of Accused 10, 18, 20, 21, 37, 38 and 40. In the cases of Accused 12, 13, 16, 22, 23 and 41 I set aside the convictions of murder and the sentences of transportation for life and convict each of them under the provisions of Section 149 of the Penal Code of causing grievous hurt, punishable under Section 333 of that Code, to the Sub-Inspector, and I sentence each of them to undergo rigorous imprisonment for ten years. On this charge I set aside the conviction of murder in the case of Accused 39 and his sentence of transportation for life and convict him only of similar grievous hurt, punishable under Section 333 of the Code, and sentence him to undergo rigorous imprisonment for three years.

It is unnecessary to interfere with any of the other sentences imposed by the learned Judge. As the learned Judge has ordered, all the sentences of imprisonment imposed on the respective Accused will run concurrently.

The learned Advocate-General has objected to some strictures, which were included in the judgment of the learned Judge, on the failure of Government officers to attend to what was going on in this village of Isoor before the state of affairs got so bad as it did. I think it is very unfortunate, if the local officers were not able to go to Isoor at an earlier date than the 28th of September. But the learned Advocate-General has explained that the Police Inspector and the Mamlatdar of Shikaripur Taluk were engaged in the weeks before the 28th of September with disturbances in other parts of the taluk and that may have prevented them from paying attention to the reports, which reached them, of what was going on in Isoor. Allowance should certainly be made for that, though I do not think it is sufficient entirely to explain the failure of the Police Inspector to visit Isoor before the 28th of September. He was comparatively new to the taluk, having been posted there in the middle of August, and the learned Advocate-General tells me that he was only an acting Inspector. That also may be held as some excuse. But I must point out that his evidence discloses something very serious. It discloses that, when this disturbance began instead of standing up to the villagers he cringed to them, and there is some evidence that some of the other officers concerned did that too. Nothing could do more to invite disaster in such circumstances.

On the other hand I agree with the learned Judge that the Police Officers concerned in the investigation of this case are to be commended for carrying it through so promptly.

" C O P Y "

N Samaraweera
Registrar.

GS/GHA/KSH/VJ 2/7

IN THE HIGH COURT OF MYSORE
AT BANGALORE.

Criminal Referred Case No. 1—1942-43.
(Criminal Case No. 1 of 42-43 on the file of the Special Judge, Sagar.)

Gurappa and others .... Accused.

(By Messrs.....
.....)

Vs.

Government of Mysore

Instituted on—

Decided on—

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CHARGES.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR

CRIMINAL CASE No. 1 OF 1942-43.

Complainant. *Vs.* *Accused.*

Government of Mysore by the Police of Shikaripur. K. Gurappa and Others. 5

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows:—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A6 Hutchalli Veerappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A17 Chindi Hutcharayappa, A20 Nageshachari, A22 Punaji Chennabasappa, A37, Parvathamma, A38 Siddamma and A40 U. Gurushantappa on the 28th day of September 1942, at Isoor, Shikaripur Taluk, did commit murder by intentionally or knowingly causing the death of Mr. Chennakrishnappa and thereby committed an offence punishable under Section 302 of the Indian Penal Code and within my cognizance. 10 15

And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows:— 20

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A11 Kalmane Siddalingappa and A40 U. Gurushantappa on 28th day of September 1942, at Isoor, Shikaripur Taluk, did commit murder by intentionally or knowingly causing the death of Mr. Kenche Gowda, Police Sub-Inspector, and thereby committed an offence punishable under Section 302, Indian Penal Code, and within the cognizance of this Court. 25

And I hereby direct that you be tried by me on the said charge. 30

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows:—

That you A1 Gurappa, A2 Mallappa, A10 Halamma, A18 Neelakantappa, A21 Subbarayappa and A41 Anche Rangappa on the 28th day of September 1942, at Isoor, voluntarily caused grievous hurt to P.W. 23 Mr. Zamiruddin Sheriff, Police Inspector, Shikaripur Taluk, a public servant, in the discharge of his duty and thereby committed an offence punishable under Section 333 of the Indian Penal Code and within my cognizance. 35 40

And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows:— 45

That you A12 Namadeva Sadari Durgoji, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, Shikaripur Taluk, voluntarily caused grievous hurt to P.W. 40 Police Daffedar S. M. Abdul Sattar, a public servant, while in the discharge of his duty as such public servant and thereby committed an offence punishable under Section 333, Indian Penal Code, and within my cognizance. 50

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

5 I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows :—

That you A1 Gurappa, A2 Mallappa, A9 G. Sankarappa, A11 Kalmane Siddalingappa, A13 Ramanna and A21 Subbarayappa on the 28th day of September 1942 at Isoor, voluntarily caused grievous hurt to P. W. 32 Police Constable Jettappa 10 and thereby committed an offence punishable under Section 325, Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

51 (Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows :—

That you A41 Anche Rangappa, A23 M. Veerabasappa, on the 28th day of September 1942 at Isoor, voluntarily caused grievous hurt to P. W. 57 Police 20 Constable Ramiah and thereby committed an offence punishable under Section 325, Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

25 (Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows :—

That you A21 Subbarayappa on the 28th day of September 1942 at Isoor, voluntarily caused hurt to P.W. 19 P. C. Isakmia and thereby committed an offence 30 punishable under Section 323, I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge
Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge

53 I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you as follows :—

That you A1 Gurappa, A25 G. Basavanniyappa and A38 Siddamma on the 28th day of September 1942 at Isoor, voluntarily caused hurt to P. W. 46 Revenue Inspector Muniyappa and thereby committed an offence punishable under Section 40 323 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

45 I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, hereby charge you A1 Gurappa, A2 Mallappa, A20 Nageshachari, A21 C. Subbaraya and A40 U. Gurushanthappa as follows :—

That you, on the 28th day of September 1942 wrongfully confined the deceased Mr. Chennakrishnappa, Mr. Kenche Gowda, P. W. 23 Mr. Zamiruddin Sheriff, 50 P.W. 40 Sattar Sab, P. W. 32 Jettappa, P. W. 57 Ramiah and P. W. 46 Muniappa, and thereby committed an offence punishable under Section 342, I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

55 (Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows :—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekarappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in prosecution of the common object of such assembly, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants;
2 to run a parallel illegal administration;
3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government;
5 to commit offences of murder, grievous hurt and hurt and wrongful confinement or knowing that such offences are likely to be committed;

committed the offences of rioting armed with deadly weapons and thereby committed an offence punishable under Section 148, I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows :—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurushanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekharappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushantappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor were members of an unlawful assembly and in the prosecution of the common object of such assembly, *viz.* :—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants;
2 to run a parallel illegal administration;
3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offences are likely to be committed;

in which A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A6 Hutchalli Veerappa, A8 B. Halappa, A9 G. Shankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A17 Chindi Hutcharayappa, A20 Nageshachari, A22 Punaji Chennabasappa, A37 Parvathamma,

A38 Siddamma and A40 Gurushantappa, the members of this unlawful assembly committed murder of Mr. Chennakrishnappa and you are thereby under Section 149, Indian Penal Code guilty of causing the said offence punishable under Section 302, Indian Penal Code and within my cognizanc

5 And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq. B.A., B.L., Special Judge, Sagar, hereby charge you
10 as follows :—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Shankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Nama-
15 deva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nagesachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendra-
20 sekharappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushantappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in the prosecution of the common object of which, *viz*-,—

1 to overawe by criminal force public servants in the exercise of the lawful
25 powers of such public servants;
2 to run a parallel illegal administration;
3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 To indulge in the activities of the congress which was declared an unlaw-
30 ful association and in other activities which are contrary to the maintenance of law and order by Government;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offences are likely to be committed.

Some of your members *viz.*, A12 Namadeva Sadari Durgoji, A22 Punaji Chenna-
35 basappa, A23 Mudabagal Veerabasappa and A41 Anche Rangappa caused grievous hurt to P.W. 40 Police Daffedar Sattar Sab and you are thereby under Section 149, I. P. C., guilty of causing the said offence punishable under Section 333 I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge.

40 Dated the 16th day of November 1942.

(Sd.) A SUNDARARAJA RAO
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows :—

45 That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa,
50 A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekharappa, A36 Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa
55 *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in the prosecution of the common object of which, *viz.*—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants;
60 2 to run a parallel illegal administration;

3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement; or

knowing that such offences are likely to be committed. Some of your members A23 Veerabasappa; A41 Anche Rangappa caused grievous hurt to P. W. 57 Ramiah and you are thereby under Section 149, Indian Penal Code, guilty, of causing the said offence of grievous hurt, an offence punishable under Section 325 of the Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows:—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekarappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in prosecution of the common object of which, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the lawful powers of such public servants;
2 to run a parallel illegal administration;
3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offences are likely to be committed;

some of your members A1 Gurappa, A2 Mallappa, A10 Halamma, A18 Neelakantappa, A21 Subbarayappa and A41 Anche Rangappa caused grievous hurt to P. W. 23 Mr. Zamiruddin Shariff, Police Inspector, a public servant in the discharge of his duties as such public servant and you are thereby under Section 149, I. P. C., guilty of causing the said offences of grievous hurt, an offence punishable under Section 333, I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq, B.A., B.L., Special Judge, Sagar, charge you as follows:—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa,

A19, N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekharappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor were members of an unlawful assembly and in the prosecution of the common object, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the law ful power of such public servants;
2 to run a parallel illegal administration;
3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 to indulge in the activities of the congress which was declared unlawful association and in other activities contrary to the maintenance of law and order;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offences are likely to be committed;

of which A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A11 Kalmane Siddalingappa and A40 U. Gurushanthappa committed murder of Mr. Kenche Gowda, the Sub-Inspector of Police, and you are thereby under Section 149, I. P. C., guilty of causing such offence of murder punishable under Section 302, I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows:—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayapppa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekharappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor were members of an unlawful assembly and in the prosecution of the common object of which, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants;
2 to run a parallel illegal administration;
3 to prevent public servants from entering the village of Isoor and from discharging their duties;
4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offenpes are likely to be committed;

some of your members A1 Gurappa, A2 Mallappa, A9 G. Sankarappa, A11 Kalmane Siddalingappa, A13 Ramanna and A21 Subbarayappa caused grievous hurt to Police Constable P.W. 32 Jettappa and you are thereby under Section 149, I. P. C., guilty of causing the said grievous hurt, an offence punishable under Section 325, I. P. C., and within my cognizance.

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows :—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekharappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in the prosecution of the common object of which, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants ;
2 to run a parallel illegal administration ;
3 to prevent public servants from entering the village of Isoor and from discharging their duties ;
4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government ;
5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offences are likely to be committed ;

one of your members A21 Subbarayappa caused hurt to P. W. 19 P. C. Isakmia and you are thereby under Section 149, Indian Penal Code, guilty of causing the said hurt an offence punishable under Section 323, Indian Penal Code, and within my cognizance.

And I hereby direct that you be tried by me on the said charge.
Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as follows :—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 Hutcharaya, A31 M. Sannasivappa, A33 U. Chendrasekharappa, A36 S. Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias* Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in the prosecution of the common object of which, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants ;
2 to run a parallel illegal administration ;
3 to prevent public servants from entering the village of Isoor and from discharging their duties ;

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4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government ;

5 to commit offences of murder, grievous hurt, and hurt and wrongful confinement or knowing that such offences are likely to be committed ;

5

some of your members A1 Gurappa, A25 G. Basavanniyappa, A38 Siddamma caused hurt to P. W. 46 Mr. Muniyappa, Revenue Inspector, and you are thereby under Section 149, I. P. C., guilty of causing the said hurt, an offence punishable under Section 323, I. P. C., and within my cognizance.

10 And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

I, A. Sundararaja Rao, Esq., B.A., B.L., Special Judge, Sagar, charge you as

15 follows :—

That you A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Sandada Gurusanthappa, A5 Paniappachari, A6 Hutchalli Veerappa, A7 Namadeva Sadarera Hutcharayappa, A8 B. Halappa, A9 G. Sankarappa, A10 Halamma, A11 Kalmane Siddalingappa, A12 Namadeva Sadari Durgoji, A13 Ramanna, A15 Namadeva

20 Vittoba, A16 Hanumantha, A17 Chindi Hutcharayappa, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Punaji Chennabasappa, A23 Mudabagal Veerabasappa, A24 Thejanna, A25 G. Basavanniyappa, A26 Jayappa, A27 Basavannappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A36 Veerappa, A37 Parvathamma, A38 Siddamma, A39 Lingappa *alias*

25 Lingoji, A40 U. Gurushanthappa and A41 Anche Rangappa on the 28th day of September 1942 at Isoor, were members of an unlawful assembly and in the prosecution of the common object of which, *viz.*,—

1 to overawe by criminal force public servants in the exercise of the lawful power of such public servants ;

30 2 to run a parallel illegal administration ;

3 to prevent public servants from entering the village of Isoor and from discharging their duties ;

4 to indulge in the activities of the congress which was declared an unlawful association and in other activities which are contrary to the maintenance of law and order by Government ;

35 5 to commit offences of murder, grievous hurt and wrongful confinement or knowing that such offences are likely to be committed ;

some of your members A1 Gurappa, A2 Mallappa, A20 Nageshachari, A21 Subbarayappa and A40 Gurushanthappa caused wrongful confinement of the deceased

40 Mr. Chennakrishnappa and of the deceased Mr. Kenche Gowda and of P. W. 23 Mr. Zamiruddin Sheriff, P. W. 40 Sattar Sab, P. W. 32 Jettappa, P. W. 57 Ramiah and P. W. 46 Muniappa and you are thereby under Section 149, I. P. C., guilty of causing the said offence of wrongful confinement punishable under Section 342, I. P. C., and within my cognizance.

45 And I hereby direct that you be tried by me on the said charge.

Dated the 16th day of November 1942.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

ORDER SHEET.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1—1942-43.

Complainant. Government of Mysore. *Vs.* *Accused.* 1. Kammar Gurappa and others mentioned in the separate sheet annexed.

Date of order of proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
28-10-1942	Records in C. C. No. 123—42-43 on the file of the Special First Class Magistrate, Sagar, received by transfer under Notification No. P. 207—Cts., dated 22nd October 1942, whereunder this Court is constituted the Special Judge's Court for the Revenue District of Shimoga to try this and other cases. Prosecution by Special Public Prosecutor Mr. T. V. Sastri. All accused except 2, 4, 5, 10, 13, 15, 23, 24, 29, 40, 46, 47 and 50 produced in custody before this Court. Thirty-seven accused in all present. The other accused are said to be absconding. The trial will therefore proceed with the accused available. All the 37 accused wish to engage a counsel and want time. The case had been posted to 4-11-42 by the Special Magistrate and the accused state that they had no idea that the case would be heard to-day by advancing it. As the accused are charged with serious offences and as the hearing date is advanced I think it necessary to give a short time to them to engage a counsel. The accused state that they will engage their own counsel. So no standing counsel necessary. Prosecution have 5 P.Ws. They will be bound over. The P. P. undertakes to produce all other witnesses. Case is adjourned to 31-10-42 and the accused are warned that they will not get any further time to engage a counsel. Remand accused to custody. (Id.) A. S. R., 28-10-42.	
31-10-1942	Prosecution by Special Public Prosecutor Mr. T. V. S. All accused except 2, 4, 5, 10, 13, 15, 23, 24, 29, 40, 46, 47 and 50 produced before this Court in custody. Accused 14 and 32 by Mr. Panchakshariah, Advocate. The P. P. states that A10 Hutcharaya and A24 Hanumanthappa and A23 Neelakantappa are arrested yesterday by the Police and that they have undertaken to point out some articles connected with the case and that Police may be permitted to have them in their custody for two days more and that the case may begin after it is known whether these accused point out these articles which are said to be important pieces of evidence. As the Police are still investigating the case against these three accused and as these three have to stand the trial along with the	

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Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	others I postpone the trial at the request of the P. P. The investigation must be completed by 2-11-42. The case will proceed on that day. Bind over the P.W's. present.	
I. A. No. 1....	A10, A23 and A24 will be in Police custody till 2-11-42. (Id.) A. S. R., 31-10-42.	
	The P. P. files an application for summoning nine additional witnesses. Permitted to summon. He produces some documents and property in the case. Check and receive them. Remand accused to custody. (Id.) A. S. R., 31-10-42.	
	Later A9, A19, A31, A34 by Mr. Ramachar. (Id.) A. S. R., 31-10-42.	
1-11-1942	A46 Lingoji produced before me to-day. Remand him to Magisterial Lock-up to be produced to Court at 2-11-42 at 11 A.M. (Id.) A. S. R., 1-11-42.	
2-11-1942	Prosecution by—	
	Accused in person and by Advocates. Re-number the accused limiting it only to those before Court. The three accused taken by the Police are produced before court. Accused 10 (Halamma) and Jayappa A26 by Messrs. H. B. S. Rao, K. S. Sastri and Panchakshariah, A4 Gurusanthappa by Mr. Gurusanthappa, A6 Erappa, A30 Hutcharaya, A25 Basavannappa, A28 Gurusanthappa by Mr. B. R. Ramachar.	
I. A. No. II....	Mr. H. B. S. and Mr. K. S. Sastri file an application stating that this court has no jurisdiction to take cognizance of this case as the case has not been properly transferred to this court. I have heard arguments. I am of opinion that this court has jurisdiction to entertain this case. I shall pass a considered order to-morrow.	
I. A. No. III.	The accused file an application for staying proceedings to enable them to move the High Court. Heard arguments on this point also. Order 3-11-42.	
	The Special Public Prosecutor is absent to-day on the ground that he had to perform his father's ceremony to-day. The Superintendent of Police states that there is no one to conduct the prosecution and that he cannot conduct it as he has directed investigation. He prays for a special adjournment till to-morrow.	
	It is a pity that the case has to be adjourned repeatedly like this. Some arrangements should have been made for going on with the case. As a special case adjourned to 3-11-1942. Accused to be remanded to custody. Bind over P.W's present. (Id.) A. S. R., 2-11-42.	

Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	Later.	
2-11-1942	Messrs. K. S. Sastri, A. Panchakshariah and K. S. Shanker Rao, file an application under Section 173, Cr. P. C., praying that the prosecution may be directed to furnish the details as to what each witness is to speak to and the details as to the acts committed by the accused, etc., and failing which the charge may be rejected. Bring up 3-11-42. (Id.) A. S. R., 2-11-42.	
3-11-1942	Prosecution by S. P. P., Mr. T. V. S. Accused 1 to 41 produced in custody before this court. 4th accused by Mr. Gurusanthappa. Accused 10 and 26 by Mr. A. P. Accused 6, 14, 25 and 28 by Mr. B. R. Achar. Orders on I. A. No. II and II. Pronounced in open court. (Id.) A. S. R., 3-11-42.	
I. A. No. V	Mr. A. P. Iyah files an application for releasing A10 and A26 on bail. Heard arguments. There are no grounds to release them on bail at present. P. Ws. 1 and 2 were examined and P. W. 3 in part. Remand the accused to custody. Bind over P. Ws. Adjourned to 4-11-1942. (Id.) A. S. R., 3-11-42. P. P. files an additional list of witnesses. Issue summons to them. (Id.) A. S. R., 3-11-42.	
4-11-1942	Prosecution by Spl. P. P. Mr. T. V. S. Sastri. Accused 1 to 41 produced in custody before this court. Accused 10 and 26 by Mr. A. P. 4th accused by Mr. Gurusanthappa. Accused 6, 14, 25 and 28 by Mr. B. R. Achar. P. W. 3 was further examined. P. Ws. 4 to 11 examined. Remand accused to custody. No more P. Ws. in attendance. Adjourned to 5th November 1942. (Id.) A. S. R., 4-11-42.	
5-11-1942	Prosecution by Spl. P. P. Mr. T. V. S. Sastri. Accused 1 to 41 produced in custody before this court. Accused 10 and 26 in person. 4th accused by Mr. Gurusantappa. Accused 6, 14, 25 and 28 by Mr. B. R. Achar. P. Ws. 12 to 21 examined. Adjourned to 6th November 1942. Remand accused to custody. (Id.) A. S. R., 5-11-42.	

Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
5-11-1942	Later non-bailable warrants issued by the Special First Class Magistrate, Sagar, in respect of the absconding 9 accused all returned unexecuted since the warrantees were not traced. F. N. B. warrants. 23rd November 1942. (Id.) A. S. R., 5-11-42.	
6-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Accused 1 to 41 are produced in custody before this court. Accused 10 and 26 in person. 4th accused in person. Accused 6, 14, 25 and 28 by Mr. B. R. Achar. P. Ws. 22 to 31 examined. Adjourned to 11th November 1942. There are three holidays in the interval. Remand accused to custody. Adjourned to 11th November 1942. (Id.) A. S. R., 6-11-42.	
11-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Accused 1 to 41 are produced in custody before this court. Accused 10 and 26 by Mr. A. P. 4th accused by Mr. Gurusanthappa. Accused 6, 14, 25 and 28 by Mr. B. R. Achar. Summons issued to 14 P. Ws. Out of which 6 witnesses are served in person. Other summons not returned. Witness P. Halappa not served. P. Ws. 32 to 42 examined. Remand accused to custody. Bind over P. Ws. Adjourned to 12th November 1942. (Id.) A. S. R., 11-11-42.	
12-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Accused 1 to 41 produced before this court in custody. Accused 10 and 26 in person. 4th accused in person. Accused 6, 14, 25 and 28 by Mr. B. R Achar. Accused 3, 5 and 20 by Mr. R. K. J. Achar. Subba Bhatta, Bench Clerk of the Special First Class Magistrate, Sagar, produces the F. I. R. in P. C. 130—42-43 and a report of telegraph lineman of Nyamathi. P. Ws. 43 to 56 examined. Adjourned to 13th November 1942. Remand accused to custody. 4 P. Ws. dispensed with. (Id.) A. S. R., 12-11-42.	
12-11-1942	Register a separate case against the absconding accused. (Id.) A. S. R., 12-11-42.	
13-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Accused 1 to 41 are produced before this court in custody. Accused 10 and 26 by Mr. A. P. 4th accused by Mr. Gurusanthappa. Accused 3, 5 and 20 in person. Accused 6, 14, 25 and 28 by Mr. B. R. Achar. File memo of appearance. Summons issued to P. W. Mr. Ranoji Rao returned duly served in person.	

Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
13-11-1942	P.Ws. 57 to 62 examined. Prosecution close their case. Statements of A1 to A20 recorded. Adjourned to 14th November 1942. Remand accused to custody. Most of the accused promise to get their counsel by tomorrow. Those that are unable to engage a counsel will be defended by a standing counsel. This will be settled tomorrow. (Id.) A. S. R., 13-11-42.	
14-11-1942	Prosecution by— Accused 1 to 41 produced before this court in custody. Accused 10 and 26 in person. 4th accused by Mr. Gurusanthappa. Accused 6, 14, 25 and 28 and 30 by Mr. B. R. Accused 3, 5, 30 in person. Statements of A21 to A41 recorded. To-day Mr. B. R. appears for A8, A12, A24, A27, A32, A34, A35 and A36. Mr. Gurusantappa appears for A7, A22, A23, A29, A31, A33, A39, A40. Now in all 27 persons are defended. Fourteen will be defended by standing counsel who will be appointed shortly. For arguments 16th November 1942. Remand accused to custody. (Id.) A. S. R., 16-11-42.	
16-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Accused 1 to 41 produced before this court in custody. Accused 10 and 26 in person. Accused 4, 7, 22, 23, 29, 31, 33, 39, 40 in person. Accused 6, 8, 12, 24, 25, 27, 28, 30, 32, 34 to 36 by Mr. B. R. Achar. Heard. A14 Hucharaya, A32 Sivappa, A34 Gowda Ramanna, A35 Basanna are discharged. Charges framed against the rest is noted elsewhere. Charges explained to the accused. They all plead not guilty. For further proceedings adjourned to 17th November 1942. Remand accused to custody. (Id.) A. S. R., 16-11-42. Accused 1, 2, 8, 9, 11, 13, 16, 18, 19, 21, 24, 37 and 41 plead inability on account of poverty to engage a counsel. The standing counsel will defend the abovesaid undefended accused. Mr. K. Seshagiri Rao, B.A., LL.B., is appointed standing counsel. The other Advocates, except Mr. Ramachar, are all absent to-day. They should have been present to-day. (Id.) A. S. R., 16-11-42.	
17-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. All the 37 accused produced before this court in custody. Accused 1, 2, 8, 9, 11, 13, 16, 18, 19, 21, 24, 37 and 41 by Mr. K. S. Rao, standing counsel. Accused 6, 8, 12, 24, 25, 27, 28, 30, 36 by Mr. B. R. Ramachar. Accused 3, 5, 20 by Mr. R. K. J. Achar. Accused 10 and 26 by Mr. A. P.	

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Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
17-11-1942	Accused 4, 7, 22, 23, 29, 31, 33, 39 and 40 by Mr. Gurusanthappa. P.Ws. 5, 4, 2, 28, 35, 21, 44, 45, 60, 34, 48 cross-examined. P.Ws. 59, 36, 13 and 47 dispensed with. They are discharged. Remand accused to custody. Adjourned to 18th November 1942. (Id.) A. S. R., 17-11-42.	
18-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. All the 37 accused produced before this court in custody. Accused 1, 2, 8, 9, 11, 13, 16, 18, 19, 21, 24, 37 and 41 by S. C. Mr. K. S. R. Accused 6, 12, 24, 25, 27, 28, 30 and 36 by Mr. B. R. Achar. States that he appears for 17th accused also. Accused 4, 7, 22, 23, 29, 31, 33, 39 and 40 by Mr. Gurusanthappa. Accused 3, 5 and 20 by Mr. R. K. J. Achar and he appears for 2nd also. Accused 10 and 26 by Mr. K. S. Sastri and Mr. H. B. S. R., Messrs. K. S. Sastri and H. B. S. Rao appear for accused 22, 23, 25, 31, 36, 37, 40, 7, 12, 15, 19, 21, 39 and 18 to-day. P. Ws. 6, 8, 11, 14, 25 and 30 cross-examined. P. Ws. Phakeera and Kencha dispensed with. All these are discharged. Adjourned to 19th November 1942. Remand accused to custody. Mr. B. R. says that he does not appear for A8. The S. C. will defend him. (Id.) A. S. R., 18-11-42.	
19-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. 37 accused are produced before this court in custody. Accused 3, 5 and 20 by Mr. R. K. J. Achar. Accused 7, 10, 12, 15, 18, 19, 21, 22, 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. H. B. S. and K. S. Sastri. Accused 4, 7, 29 by Mr. Gurusantappa. Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Accused 1, 2, 8, 9, 11, 13, 16, 38 and 41 by standing counsel Mr. K. S. Rao. P. Ws. 55, 54, 57, 23, 40, 24, 26, 52, 49, 50, 43 cross-examined. P. W. 27 dispensed with. Adjourned to 20th November 1942. Remand accused to custody. A17 and A38 will also be defended by S. C. as there is no counsel for them. (Id.) A. S. R., 19-11-42.	
20-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. 37 accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21, 22, 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. K. S. Sastri and H. B. S. Rao. Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Achar. Accused 1, 2, 8, 9, 41, 11, 13, 16 and 38 by standing counsel Mr. K. S. R. Accused 4, 7 and 29 by Mr. Gurusanthappa.	

Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
20-11-1942	Accused 3, 5 and 20 by Mr. R. K. J. Char. Order pronounced in open court regarding copies to be given about inquest witnesses' statement. P. Ws. 1, 9, 58, 46, 32, 19, 31, 29, 38, 61, 37 examined. P. W. 12 dispensed with. P. W. 53 dispensed with. Adjourned to 23rd November 1942. Remand accused to custody. (Id.) A. S. R., 20-11-42.	
23-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. 37 accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21, 22, 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. K. S. Sastri and A. P. Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Achar. Accused 1, 28, 9, 41, 11, 13, 16 and 38 by Mr. K. S. R., standing counsel. Accused 4, 7 and 29 by Mr. Gurusantappa. Accused 3, 5 and 20 by Mr. R. K. J. Achar. P. Ws. 3, 33, 51, 22, 39, 42, 41, 7, 17 cross-examined. The rest are absent. P. P. undertakes to produce them. Hence adjourned to 24th November 1942. Remand accused to custody. (Id.) A. S. R., 23-11-42.	
24-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Thirty-seven accused produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21, 22, 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Mr. K. S. Sastri. Accused 6, 19, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Achar. Accused 1, 2, 8, 9, 11, 13, 16, 38 and 41 by Mr. K. S. R., standing counsel. Accused 4, 7 and 29 by Mr. Gurusantappa. Accused 3, 5 and 20 in person. P.Ws. 62 and 10 further cross-examined. P.Ws. 63 to 66 examined. P.Ws. 18, 20, and 56 who had to be cross-examined have not turned up. P.W. 18 is said to be an in-patient in Sagar Hospital with double pneumonia. The other two are said to be not available. P.W. 56 is said to have gone to Madhugiri. The prosecution close their case. The accused enter on their defence. Their statements recorded. They all promise to file a witness list. Issue summons to them if list filed. Remand accused to custody. Adjourned to 26th November 1942. (Id.) A. S. R., 24-11-1942.	
26-11-1942	Prosecution by Special P. P., Mr. T. V. S. Sastry. Thirty-seven accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21 to 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Mr. K. S. Sastry and Mr. H. B. S. R.	

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Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
	Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Achar. Accused 1, 2, 8, 9, 11, 13, 16, 38 and 41 by Mr. K. S. R., standing counsel. Accused 4, 7 and 29 by Mr. Gurusantappa. Accused 3, 5 and 20 by Mr. R. K. J. Achar. Fourth accused by Mr. Malur Subba Rao. All the accused cited 52 witnesses. List given on 24th November 1942. Summons issued on 24th November 1942. One witness served in person. Other summons not received yet. D.Ws. 1 to 14 examined. Summons issued to the D. Ws. have not been returned by the Police. The Police must get them by to-morrow if necessary by taking fresh summons. Adjourned to 27th November 1942. Remand accused to custody.	
I.A.No. VI.....	A4 files an application to-day for summoning the D. M. O., Shimoga and Dr. D. V. Subba Rao. The latter was a P. W. and he was further cross-examined recently. No sufficient reason has been assigned for re-summoning him. I refuse to summon him. The D.M.O., Shimoga, will be summoned if the accused deposits his expenses before evening. (Id.) A. S. R., 26-11-1942.	
27-11-1942	Prosecution by Special P. P., Mr. T. V. S. Sastri. Thirty-seven accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21 to 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. K. S. Sastry and H. B. S. Rao. Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Achar. Accused 1, 2, 8, 9, 11, 13, 16, 38 and 41 by Mr. K. S. R., standing counsel. Accused 7 and 29 Mr. Gurusantappa. Accused 3, 5 and 20 by Mr. R. K. J. Achar. Summons issued to 45 defence witnesses. Five witnesses served in person. Summons issued to witness Kadappa returned unserved as the said witness has been sent to Mysore Sub-Jail from Shimoga Sub-Jail. The reasons for summoning him should be given by the accused before he is summoned. (Id.) A. S. R., 27-11-1942. Summons issued to Siddabasappa served but endorses that it does not relate to him. Mr. K. S. Sastri gives him up. D.Ws. 15 to 22 examined. P. W. 62 further cross-examined. The Police have not returned the summons issued yesterday. The summons have been served on residence. The Police should serve the witnesses immediately and get them by 28th November 1942. Accused remanded to custody. (Id.) A. S. R., 27-11-1942.	

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Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
27-11-1942 .... I.A. No. VII	Accused counsel files an application praying that one Churchugundi Kadappa who has been arrested under the Defence of India Act and who is now in the Mysore Sub-Jail may be summoned for the defence for the reasons stated therein. The reasons assigned are not sufficient to summon that witness from Mysore. He is a political detenu. The condition of the injured person have been spoken to by the Doctor and P.W. 15. I therefore refuse to summon him. (Id.) A. S. R., 27-11-1942.	
28-11-1942	Prosecution by Spl. P. P. Mr. T. V. S. Sastri. Thirty-seven accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21 to 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. K. S. Sastri and H.B.S. Rao. Accused 6, 17, 24, 27, 28, 30, 12, 25 36 by B. R. Achar. Accused 1, 28, 9, 11, 13 16, 38 and 41 by Mr. K. S. R., standing counsel. Accused 4, 7 and 29 by Mr. Gurusantappa. Accused 3, 5 and 30 by Mr. R. K. J. Achar. D. Ws. 22 to 34 examined. Apart from these, 26 D.Ws. are present on behalf of the several accused. Their counsel dispense with these witnesses. Mr. K. S. Sastry and S. C. and Mr. R. K. J. state that theyhave to examine one or two more witnesses and that they will produce them on 30th November 1942. For arguments also on that day. Witnesses present will be discharged. Accused remanded to custody. P. W. 20 was further cross-examined. Adjourned to 30th November 1942. (Id.) A. S. R., 28-11-1942.	
30-11-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastri. Thirty-seven accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19 21 to 23, 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. K. S. Sastry and H.B.S. Rao, A.P. Accused 6, 24, 27, 28, 30, 12, 25 and 36 and 17 also by Mr. B. R. Achar. Accused 1, 2, 8, 9, 11, 13, 16, 38 and 41 by Mr. K. S. R., standing counsel. Accused 4, 7 and 29 by Mr. Gurusantappa and Mr. Malur Subba Rao. Accused 3, 5 and 20 by Mr. R. K. J. Achar. All accused also by Mr. P. R. R. D. Ws. 35 to 42 examined. Accused close their case. Arguments heard in part. For further arguments, 1st December 1942. Remand accused to custody. (Id.) A. S. R., 30-11-1942.	

Date of order or proceeding	Order or proceeding with signature of presiding officer	Signature of parties or pleaders when necessary
1-12-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastry. Thirty-seven accused are produced before this court in custody. Accused 7, 10, 12, 15, 18, 19, 21 to 23 25, 26, 31, 33, 36, 37, 39 and 40 by Messrs. K. S. Sastry and H. B. S. Rao. Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Achar. Accused 1, 8, 9, 11, 13, 16, 38 and 41 by Mr. K. S. R., standing counsel. Accused 7 and 29 by Mr. Gurusantappa. Accused 3, 5 and 20 by Mr. R. K. J. Achar. Fourth accused by Mr. Malur Subba Rao. All accused by Mr. P. R. Further arguments heard. Judgment 7th December 1942. Remand accused to custody. (Id.) A. S. R., 1-12-1942.	
4-12-1942	Case is advanced and posted for judgment on 5th December 1942. Intimate to Advocates. (Id.) A. S. R., *Special Judge.*	
5-12-1942	Prosecution by Spl. P. P., Mr. T. V. S. Sastry. Thirty-seven accused are produced before this court in custody. Accused 6, 17, 24, 27, 28, 30, 12, 25 and 36 by Mr. B. R. Accused 1, 8, 9, 11, 13, 16, 38 and 41 by Mr. K. S. R., standing counsel. Judgment pronounced in open court convicting some of the accused. The records will be submitted early for review. (Id.) A. S. R., 5-12-1942.	

F. I. R.

Report of first complaint or intelligence received describing the occurrence of cognizable offence or other important occurrence on the 28th day of September 1942 at Shikarpur Police Station of Shikarpur Taluk.

1.	Register No. of the Report	18—42-43.
2.	Name of offence described	148, 149, 332, 333 and 302, I. P. C.
	No. of offenders said to be concerned.	Villagers of Isoor.
	No. of persons said to be killed or hurt.	Two killed and five injured.
	Value of property said to have been taken.	To be ascertained.
3.	Date and place of occurrence, within limits of what Station, with distance and direction therefrom.	28th September 1942 at Isoor, Shikarpur Kasaba Station, five miles South.
4.	First intelligence (day and hour), and how received, at what station.	Received at 2-30 P.M. through the complainant in person at Shikarpur Kasaba Station.
5.	Name of informant and substance of complaint or intelligence received, with date of occurrence and names of persons and all circumstances mentioned in connection with the occurrence reported.	*Complainant.* *Accused.* Government *v.* Villagers of Isoor. The villagers of Isoor have murdered the Amildar Mr. V. N. Channakrishnappa, Sub-Inspector Mr. S. L. Kenchegowda and have also severely injured the Inspector Mr. Zamiruddin Sheriff, Revenue Inspector Mr. Muniyappa, Daffedar Sathar, Jatty and Ramiah. Hence the F. I. R.
6.	Rank and name of Senior Police Officer present. Information he obtained by questioning informant and steps taken to ascertain the truth of alleged occurrence.	C. K. Lingappa, S.H.O., Shikarpur.
7.	If Police Officer does not proceed to the spot for investigation or if he declines to investigate under S. 157, Cr. P. C. Proviso (*a*) or (*b*), the reasons therefor.	Case is taken on file and is being investigated. (Sd.) C. K. Lingappa, S. H. O., Shikarpur.

Column No. 8.
Submitted-

Original report is herein enclosed for kind perusal.* (*Vide* Exhibit: P16)—Patel's Report.

(Sd.) C. K. Lingappa,
S. H. O., Shikarpur,
28-9-42.

Exhibit P1.

MYSORE MEDICAL DEPARTMENT.

POST-MORTEM REPORT No. 3.

Station : Shikarpur — Date—29th September 1942.

Name	....	V. N. Chennakrishnappa
Sex	....	Male
Age	....	About 30 years
Caste	....	Banajigar
Whence brought, village, thannah	....	Isoor Village.
Date and hour of—		
Despatch		
Receipt	....	2 P.M., 29-9-42.
Examination	....	2-30 P.M., to 4-30 P.M., 29-9-42.

INFORMATION FURNISHED BY POLICE

He was found dead at 1 P.M. on 28th September 1942 at Isoor Village. Body sent by Mr. B. Suryanarayana Rao, *Ex-officio* 1st Class Magistrate, Sagar, in charge of Constable No. 340, Siddappa of Shikarpur Kasaba, on 29th September 1942.

I. EXTERNAL APPEARANCE.

1. Condition of subject—stout, emaciated, decomposed, etc. — Well-built muscular body. Rigor mortis is absent. Both eyes are partly opened. Mouth is closed. Epidermis has peeled off in several places on the right forearm, and arm and over the left fore-arm, outer and back part of the left leg and thigh.

2. Wounds—position, size, character, etc. — (1) An incised wound $2'' \times \frac{1}{2}''$ and scalp deep situated obliquely on the top of the right side of the forehead. (2) A lacerated wound $2'' \times \frac{3}{4}''$ and scalp-deep situated on the top of the left side of the head on the parietal eminence. (3) An incised wound $1\frac{3}{4}'' \times \frac{1}{2}''$ and scalp-deep situated on the top of the middle of the head. (4) An incised wound $1'' \times \frac{1}{3}''$ and scalp-deep situated on the top of the head $1\frac{3}{4}''$ behind injury No. 3. (5) An incised wound $2\frac{1}{2}'' \times \frac{1}{2}''$ and scalp deep situated obliquely on the left side of the head running obliquely two inches above the top of the ear. (6) A lacerated wound $1\frac{3}{4}'' \times \frac{1}{4}''$ and scalp-deep situated on the top of the back of the head behind the right parietal eminence. The face, neck and head are covered with clotted blood here and there. (7) An irregular abrasion $2'' \times \frac{1}{2}''$ situated on the middle of the front of the right arm and is in continuation of a faint ligature mark on the inner side of the arm for a distance of 3". (8) An abrasion, irregular in shape, $\frac{1}{2}'' \times \frac{1}{3}''$ situated on the outerside of the bend of the right elbow. (9) There is a ligature mark situated obliquely around the left arm and is in front 2" and behind 3" above the bend of the elbow-joint. It is $\frac{1}{2}''$ wide. (10) Contusion extending over the left shoulder and scapular region of the left side of the chest and is $8'' \times 7''$. On this are four stripe-like marks varying from $2'' \times 1''$ to $4'' \times 1''$ situated at different spots. (11) Contusion over the right shoulder and upper part of the scapular region and is $8'' \times 6''$. (12) A contusion over the right buttock which is $6'' \times 3''$. (13) An abrasion $1\frac{1}{2}'' \times 1''$ situated below the left knee in front. (14) Two abrasions $\frac{3}{4}'' \times \frac{1}{2}''$ and $1'' \times \frac{1}{3}''$ situated closely in the middle-third of the left leg in front. (15) An abrasion $3\frac{1}{4}'' \times \frac{1}{4}''$ situated vertically on the outerside of the middle-third of the right leg in front. (16) A contusion $3'' \times 2\frac{1}{2}''$ situated on the back of the lower-third of the left arm just above the elbow-joint. On incising the contused areas, extravasation of blood in the underlying tissues was seen. In the wounds blood-clots and congestion of tissues were present and the edges everted.

3. Bruises—position, size, nature.	Nil.
4. Mark of ligature on neck, dissection, etc.	Nil.

II. CRANIUM AND SPINAL CANAL.

1. Skull and vertebræ	Intact
2. Membranes	Healthy
3. Brain and spinal cord	Brain—congested. spinal cord—not examined

III. THORAX.

1. Walls, ribs and cartilages	Intact
2. Pleuræ	Healthy
3. Larynx and trachea	Healthy
4. Right lung	Healthy
5. Left lung	
6. Pericardium	Empty and healthy
7. Heart	Empty and healthy
8. Large vessels	Empty and healthy

IV. ABDOMEN.

1. Walls	Intact
2. Peritoneum	Healthy
3. Mouth, pharynx and oesophagus	Healthy
4. Stomach and its contents	Healthy, contains 2 ozs. of grey turbid fluid.
5. Small intestine and its contents	Empty and healthy
6. Large intestine and its contents	Healthy and contains a little fæcal matter.
7. Liver	Healthy
8. Spleen	Healthy

V. GENITO-URINARY ORGANS.

1. Kidneys	Healthy
2. Bladder	Healthy, contains about 3 ozs. of urine
3. Organs of generation, external and internal.	Healthy

VI. MUSCLES, BONES AND JOINTS.

1. Injury	Nil
2. Disease or deformity	Nil
3. Fracture	Nil
4. Dislocation	Nil

OPINION AS TO CAUSE OF DEATH.

Death is due to shock and hæmorrhage as a result of the multiple injuries.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon, Shikarpur,
30-9-42.

1543/No. 2.
5-10-42.
F-71/7-10-42

Countersigned.
N. A. AIENGAR,
D. M. O., Shimoga District.
5-10-42.

Exhibit P2.

MYSORE MEDICAL DEPARTMENT.

POST MORTEM REPORT No. 4.

Station: Shikarpur. Date: 29th September 1942.

Name	....	S. L. Kenchey Gowda.
Sex	....	Male.
Age	....	About 28 years.
Caste	....	....
Whence brought, village, tannah	....	Isoor Village.
Date and hour of—		
Despatch		
Receipt		2 P.M., 29-9-1942.
Examination		4-40 P.M., to 6-40 P.M., 29-9-1942.

INFORMATION FURNISHED BY POLICE.

Found dead at about 1 P.M. on 28th September 1942 at Isoor Village. Body sent for P.M. Examination by Mr. B. Suryanarayana Rao, *Ex-officio* 1st Class Magistrate, Sagar, with Constable No. 340, Siddappa of Shikarpur Kasaba, on 29th September 1942.

I. EXTERNAL APPEARANCE.

1. Condition of subject, stout, emaciated, decomposed, etc.

Well-built muscular body. Rigor mortis is passing off in the lower limbs and is absent in the upper limbs. The left eye is open. The right eye is closed and is a black eye. His face, shoulders, hands, neck, his net baniyan and shorts are covered with clotted blood. His hands are clenched, legs folded at the knee-joint.

2. Wounds: position, size character.

(1) A contusion $3'' \times 2\frac{1}{2}''$ situated on the right side of the forehead at its upper part. On it is an abrasion $1'' \times \frac{1}{2}''$ close to the middle of the forehead. (2) A contusion $1'' \times 1\frac{1}{2}''$ situated on the top of the left side of the forehead close to the middle line. On it are several pin-point like abrasions. (3) A lacerated wound $2'' \times \frac{1}{8}''$ and scalp-deep situated on the top of the middle of the vertex. (4) A contused wound $1\frac{1}{2}'' \times \frac{1}{8}''$ and scalp-deep situated on the right side of the back of the head at its top part. (5) A contusion $2'' \times 2''$ situated on the left side of the forehead. On it is an abrasion $\frac{3}{4}'' \times \frac{1}{2}''$. (6) An irregular abrasion $2'' \times 1\frac{1}{4}''$ situated on the outer side of the left eye. (7) An irregular contusion $2'' \times 1\frac{1}{2}''$ situated on the left side of the cheek and extends to the left angle of the mouth. (8) There are four irregular abrasions situated on the nose here and there varying in size from a small nail's head to that of a medium sized nail's head. (9) A punctured wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated on the bridge of the nose close to the glabella. (10) An irregular abrasion of the size of a nail's head situated on the left side of the upper lip below the nostril. (11) Contusion of the upper and lower lids of the right eye. (12) A lacerated wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated obliquely $\frac{1}{2}''$ above the right side of the upper lip. (13) There is contusion of the right ear and right mastoid region with an abrasion $\frac{1}{2}'' \times \frac{1}{4}''$ about the middle of the border of the right ear. (14) There is contusion of the left shoulder in front and is $6'' \times 5\frac{1}{2}''$. (15) A contusion $4'' \times 2''$ situated on the posterior aspect of the lower-third of the left arm. (16) Contusion of $2'' \times 1\frac{1}{2}''$ situated on the lower-third of the posterior aspect of the left fore-arm. (17) A contusion $1'' \times \frac{3}{4}''$ on the dorsal aspect of the proximal phalanx of the left middle finger.

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(18) A superficial wound $1\frac{1}{4}'' \times \frac{3}{4}''$ and skin-deep situated on the ulnar side of the upper third of the left fore-arm. (19) A contusion $3\frac{1}{2}'' \times 3''$ on the anterior aspect of the upper-third of the left fore-arm. (20) A contusion covering the upper half of the right side of the back of the chest and is $6'' \times 5''$. (21) A contusion $3'' \times 2''$ on the right side of the back 12″ below the vertebral angle of the scapula. (22) An abrasion $\frac{3}{4}'' \times \frac{1}{3}''$ situated 2″ below injury No. 21. (23) There is contusion on the left side of the back over the scapular region which is $6'' \times 4''$. (24) Contusion $4'' \times 3''$ on the left side of the back 3″ below the lower angle of the scapula. (25) Contusion $2'' \times \frac{3}{4}''$ situated 3″ below injury No. 24. (26) A contusion $1\frac{1}{2}''$ in diameter situated on the right hip. (27) Contusion on the right shoulder is $4'' \times 3\frac{1}{2}''$ is visible on the top and sides. (28) A contusion $2'' \times 1\frac{1}{2}''$ on the back part of the middle-third of the right arm. (29) Six abrasions varying in size from $\frac{1}{2}''$ to $1\frac{1}{2}''$ in length by $\frac{1}{2}''$ to $\frac{3}{4}''$ in width scattered at the back of the right elbow-joint. (30) A contusion $4'' \times 2\frac{1}{2}''$ on the back of the lower-third of the right fore-arm. (31) An abrasion $\frac{1}{2}''$ in diameter on the middle part of the middle inter-phalangeal joint of the right hand on its back part. (32) An abrasion $1\frac{1}{2}'' \times 1''$ situated on the lower part of the front of the right thigh immediately above the knee-joint. (33) A contusion irregular in shape $2\frac{1}{2}'' \times 1''$ situated on the inner side of the left knee-joint.

There is ecchymosis over the contusions and on incision extravasation of blood was found in the underlying tissues. There is eversion of the edges of the wounds and blood-clots are found in them.

3. Bruises, position, size, nature. — Nil.

4. Mark of ligature on neck, dissection, etc. — Nil.

II. Cranium and spinal canal.

1. Skull and vertebræ. — The entire scalp over the fractured areas of the skull and for a distance of 3″ around is highly congested and there is extravasation of blood in the tissues of the scalp.

The vertebræ are in-tact (1) From a point 3″ above the top of the left ear on the parietal bone there is a fracture running across the frontal bone to a length of 4″. (2) Another fracture of the left parietal bone running from the same point mentioned in No. 1 to a length of 1″ downwards towards the left ear. (3) Another fracture from the same point mentioned in No. (1) running backwards towards the saggital suture to a length of $3\frac{1}{2}''$ on the left parietal bone. (4) On the right side of the frontal bone 1″ to the right of the saggital suture and $\frac{1}{2}''$ in front of the connary suture is a fracture of the frontal bone 2″ long running perpendicularly downwards to the right side.

2. Membranes .... — Congested.

3. Brain and spinal cord. — Brain is congested superficially corresponding to fracture No. 4 of the skull beneath the membrane is a soft blood-clot which is $\frac{1}{2}'' \times 1'' \times 1''$. Spinal cord not examined.

III. Thorax.

1. Walls, ribs and cartileges — Healthy.

2. Pleuræ — Healthy.

3. Larynx and trachea. — Healthy, mucus membrane is blood-stained.

4 & 5. Rt. and Lt. lungs.	Healthy.
6. Pericardium	Empty and healthy.
7. Heart	Healthy.
8. Large vessels	Contain small quantity of blood.

IV. ABDOMEN.

1. Walls	In-tact.
2. Peritoneum	Healthy.
3. Mouth, pharynx and œsophagus.	Healthy; mucus membrane of the œsophagus is stained with blood.
4. Stomach and its contents.	Healthy and contains about 2½" of blood-stained fluid.
5. Small intestine and its contents.	Empty and healthy.
6. Large intestine and its contents.	Healthy and contain fæcal matter.
7. Liver	Healthy.
8. Spleen	Healthy.

V. GENITO-URINARY ORGAN.

1. Kidneys	Healthy.
2. Bladder	Healthy, contains 4 ozs. of urine.
3. Organs of generation, external and internal.	Healthy.

VI. MUSCLES, BONES AND JOINTS.

1. Injury	Nil.
2. Disease or deformity.	Nil.
3. Fracture	Nil.
4. Dislocation	Nil.

MORE DETAILED DESCRIPTION OF INJURY OR DISEASE

OPINION AS TO CAUSE OF DEATH.

Death is due to shock and hæmorrhage as a result of the multiple injuries.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon,
Shikarpur,
30-9-42.

1544—Enc. 2. F-70,
7-10-42.

Countersigned.

N. A. AIYENGAR,
D.M.O., Shimoga District,
5-10-42.

Exhibit P3.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE No. 16.

Wounds or injuries found on the person of a P. C. No. 234 calling himself Ramiah, aged 33 years, an inhabitant of Shikarpur, who was sent with.....from Isoor Village and accompanied by Churchugundi Kadappa and Md. Jaffar for report as to certain injuries said to have been caused on 28th September 1942 and to be due to assault.

Identification marks.—(1) A tiny dark mole on the volar and lower aspect of the right arm. (2) Small-pox marks on the face.

The injured person was first seen by the undersigned at 9-30 P.M. on the 28th September 1942 and the examination was commenced at 10-45 P.M. on the 28th September 1942, when the following injuries were found :—

(1) An incised wound $1\frac{1}{4}'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated on the right side of the parietal eminence. The surrounding tissues are swollen.

(2) A contused wound $1'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated on the top of the centre of the head.

(3) A contused wound $\frac{3}{4}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated on the left parietal eminence.

(4) A contused wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated on the right malar eminence.

(5) A contusion $1\frac{1}{2}'' \times 1\frac{1}{4}''$ situated above the right eye-brow with a few abrasions over it.

(6) A curved incised wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated $\frac{1}{2}''$ behind the left lobe of the ear.

(7) An abrasion of the size of a nail's head on the inner side of the left ear in its middle part.

(8) A diffuse contusion situated on both sides of the back in its upper part measuring $10'' \times 8''$ each which is bluish in colour.

(9) An abrasion $\frac{3}{4}'' \times 3''$ on the inner side of the middle of the left arm.

(10) A contusion $3'' \times 2''$ situated over the lower part of the hepatic region, with an abrasion $\frac{1}{2}'' \times \frac{1}{4}''$ on it.

(11) An abrasion $3'' \times \frac{1}{2}''$ situated on the inner part of the right side of the chest in front and 1" to the right of the pit of the stomach.

(12) An oblique ligature mark about $\frac{3}{4}''$ in width situated around the middle of the left arm.

(13) A vertical contusion with abrasion about $10'' \times 1\frac{1}{2}''$ situated on the dorsal aspect of the right forearm.

(14) A diffuse contusion with abrasion $2'' \times 2''$ on the outer aspect of the right elbow-joint. Patient is rather comatone.

The above injuries are due to external violence. Injuries Nos. 1, 2, 3, 4, 5, 6, 8 and 13 may take about two weeks and injury Nos. 7, 9, 11 about one week and injuries Nos. 10, 12 and 14 about ten days to heal from the date of examining the patient.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon,
9-10-42.

Exhibit P4.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE No. 17.

Wounds or injuries found on the person of a P. C. No. 319 calling himself Venkatapathy, aged 35 years, an inhabitant of Shikarpur who was sent with..... from Isoor Village and accompanied by Churchugundi Kadappa and Md. Jaffar for report as to certain injuries said to have been caused on 28th September 1942 and to be due to assault.

Identification marks.—(1) A tiny dark mole situated on the front of the right shoulder. (2) A vertical scar $1'' \times \frac{1}{16}''$ on the volar and upper aspect of the left arm.

The injured person was first seen by the undersigned at 10 P.M. on the 28th September 1942 and the examination was commenced at 11-15 P.M. on the 28th September 1942 when the following injuries were found :—

1. A lacerated wound triangular in shape $1'' \times \frac{3}{4}'' \times \frac{1}{4}''$ deep situated on the middle and a little above the left eye-brow.

2. A contusion of the left upper lid.

3. An incised wound $1\frac{1}{2}'' \times \frac{3}{4}'' \times \frac{1}{8}''$ situated on the upper part of the left parietal bone.

4. An incised wound $1'' \times \frac{1}{8}'' \times \frac{1}{8}''$ situated on the middle of the top of the forehead.

5. An incised wound $1\frac{1}{4}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated on the left parietal eminence with the surrounding tissues contused.

6. Half an inch behind injury No. 5, is a lacerated wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{8}''$.

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7. An incised wound $2'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated obliquely over occipital bone 1″ behind the vertex.

8. An incised wound $1\frac{1}{2}'' \times \frac{1}{4}''$ scalp-deep, situated on the top of the head over the right parietal eminence. The surrounding tissues are contused.

9. A diffuse contusion situated over the left deltoid region, left scapula, the left shoulder with an abrasion of the size of a nail's head over the shoulder

10. A diffuse contusion $3'' \times 2''$ situated on the front of the left shoulder.

11. A stripe like contusion $4'' \times 1\frac{1}{2}''$ situated on the back of the left side at its lower part.

12. A stripe like contusion $3'' \times 1''$ situated on the back of the right side on its middle part.

13. A stripe like contusion $4'' \times 1\frac{1}{2}''$ situated on the top of the right scapula.

14. A stripe like diffuse contusion $4'' \times 2''$ situated on the left hip-joint.

15. A pair of stripe like contusion $4'' \times \frac{1}{2}''$ situated $\frac{1}{2}''$ apart on the right buttock.

16. A diffuse contusion $4'' \times 5''$ situated over the cardive region.

17. A ligature mark $\frac{1}{3}''$ wide around the middle of the left thumb.

18. Five small abrasions on the dorsum of the left hand situated at intervals.

19. A diffuse contusion $2\frac{1}{2}'' \times 2\frac{1}{2}''$ on the middle of the left palm.

The above injuries are due to external violence. Injuries Nos. 1, 3, 4, 5, 6, 7, 8, 9 and 16 may take about two weeks and injuries Nos. 2, 10, 11, 12, 13, 14, 15, 17, 18 and 19 may take about ten days to heal under proper treatment from the date of examining the patient.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon, Shikarpur,
9-10-42.

Exhibit P5.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE, No. 18.

Wounds or injuries found on the person of a Revenue Inspector calling himself M. Muniappa, aged 42 years, an inhabitant of Shikarpur who was sent with .... from Isoor Village and accompanied by Churchugundi Kadappa and Md. Jaffar, for report as to certain injuries said to have been caused on 28th September 1942 and to be due to assault.

Identification marks.—1. Four round branded marks on below the naval, one at the pit of the stomach and one on each side of the abdomen each of the size of a four anna coin.

The injured person was first seen by the undersigned at 10 P.M. on 28-9-1942 and the examination was commenced at 11-40 P.M. on 28-9-1942 when the following injuries were found :—

1. A wheel like contusion $2\frac{1}{2}'' \times \frac{3}{4}''$ situated vertically over the middle of the forehead immediately above the left eye-brows medial end.

2. An incised wound irregular in size $1'' \times \frac{1}{4}''$ and scalp-deep situated on the top of the middle of the forehead.

3. Incised bleeding wound $1\frac{3}{4}'' \times \frac{1}{2}''$ and scalp-deep situated on the right side of the head near the parietal eminence.

4. A contused wound over the occiput 1″ above the occipital protuberance. It is $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{4}''$.

5. A number of abrasions of different size situated over the left shoulder and deltoid area.

6. An incised wound $1\frac{1}{2}'' \times \frac{1}{3}''$ and scalp-deep situated on the top of the right side of the head.

7. A ligature mark around the right arm 3″ above the elbow, it is $\frac{3}{4}''$ broad and the skin at the margins are abraded.

8. Three parallel stripe like contusion over the right shoulder and deltoid region each about $4'' \times \frac{1}{2}''$ broad situated $1\frac{1}{2}''$ apart. The right shoulder is swollen and is $1\frac{1}{2}$ times its original size.

9. A contusion 3″×2″ on the outer and anterior aspect of the right arm immediately above the ligature mark. It is slightly elevated.

10. A contusion on the right temporo-mandible joint 1½″×2″.

11. An abrasion ¼″×⅛″ on the bridge of the nose.

12. One ligature mark around the left arm 1″ above the elbow joint. It is ¾″ broad and is slightly bluish in colour.

13. An oblique stripe like contusion 3½″×⅜″ situated obliquely in front of the left arm at its lower half.

14. Irregular abrasions about seven in number on the dorsum of the left elbow varying in size from a pie to that of an anna coin

15. A ligature mark around the left thumb about the middle of the proximal phalanx. There is contusion of the base of the thumb and thenar eminence.

16. A contusion on the right calf muscle 3″×3½″ with an abrasion of the size of a nail's head on it.

17. Contusion on the left chin at the junction of the upper and middle third. It is 2″×2″.

I am of opinion that the above injuries are due to external violence. Injuries Nos. 2, 3, 4 and 6 may take about two weeks, and injuries Nos. 1, 7, 8, 9, 10, 12, 13, 15, 16 and 17 about ten days and injuries Nos. 5, 11 and 14 about a week to heal from the date of examining the patient.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon,
Shikarpur,
10-10-42

Exhibit P6.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE No. 19.

Wounds or injuries found on the person of a Police Daffedar calling himself S. M. Abdul Sathar, aged 46 years, an inhabitant of Shikarpur who was sent with. from Isoor village and accompanied by Churchugundi Kadappa and Md. Jaffar for report as to certain injuries said to have been caused on the 28th September 1942 and to be due to assault.

Identification marks.—(1) A raised mole on the right side of the nose. (2) A circular scar on the inner surface of the mole of the left arm.

The injured person was first seen by the undersigned at 10 P.M. on the 28th September 1939 and the examination was commenced at 12-30 P.M. midnight on the 28th September 1942 when the following injuries were found :—

1. An incised wound 1″×¾″ and scalp-deep situated above the outer end of the left eye-brow. Blood is sticking around and is contused 1″ around.

2. A lacerated wound ½″×½″×″⅛″ over the centre of the vertex.

3. A contusion 2″×2″ situated on the head 2″ above the right ear and slightly elevated with multiple abrasions over it.

4. A stripe like contusion 4″×1″ situated across the middle of the left arm on its outer and front side.

5. A ligature mark running around the left fore-arm immediately above the wrist with blebs and abrasions here and there. It is ⅓″ wide.

6. A contusion on the left arm at its back part immediately above the elbow joint. It is 3″×2″.

7. Diffuse contusion 5″×4″ over the left shoulder.

8. Diffuse contusion 5″×3″ on the outer aspect of the left arm.

9. Diffuse contusion over the left scapular region.

10. Stripe like contusion 3″×1″ situated on the left side of the chest below the axilla with pinkish margin.

11. Another stripe like contusion 5″×1″ situated across the left side of the chest about the level of the 7th and 8th ribs.

12. Stripe like contusion just below the lower angle of the left scapula. It is 3″×6″.

13. Stripe like contusion 5″×1½″ situated obliquely across the middle of the back.

14. Four more contusions over the right side of the back of different shapes and dimensions.

15. There is contusion of the left thumb.

16. Simple fracture of the middle of the 1st phalanx of the right index finger.

17. There is a dark bleb over the dorsum of the proximal phalanx of the right index finger.

18. Punctured wound over the proximal knuckle of the middle finger of the right hand. It is $\frac{1}{2}'' \times 1''$ and skin deep and is bleeding.

19. There is contusion of the whole of the dorsum of the right hand and all the fingers of the right hand.

20. There is an oblique stripe like contusion $4'' \times 1''$ situated across the dorsum and outer border of the middle of the right forearm.

21. Diffuse contusion of the right deltoid and shoulder muscles.

22. A diffuse patch of contusion over the right scapular region.

23. Multiple abrasions on the right calf muscle area.

24. A stripe like contusion $3'' \times \frac{1}{2}''$ situated obliquely in front of the right thigh at its lower end.

25. An abrasion $1'' \times \frac{3}{4}''$ situated above the right patella.

26. On the inner side of the left thigh at its lower end is a contusion $2'' \times 1\frac{1}{2}''$ with vesules over it.

27. A diffuse contusion over the right gluteal region $5'' \times 4''$.

28. Diffuse contusion over the left buttock $6'' \times 3''$.

29. Five stripe like contusions varying in size from $5\frac{1}{2}'' \times 1''$ to $3\frac{1}{2} \times 1''$ situated on the front and outerside of the whole of the left thigh at intervals. On the lowest are there some vesules.

30. A ligature mark around the first phalanx of the left thumb. It is $\frac{1}{4}''$ wide.

31. A contused wound $\frac{3}{4}'' \times \frac{1}{2}''$ situated at the root of the left ring-finger dorsally and is skin deep.

The above injuries are due to external violence. Injuries Nos. 1, 2, 7, 8, 9, 11, 13, 18, 19, 20, 21, 22, 24, 27, 28 and 29 may take about two weeks and injuries Nos. 3, 4, 5, 6, 10, 12, 14, 15, 17, 26, 30 and 31 about ten days and injuries Nos. 23 and 25 about one week and injury No. 16 about four weeks to heal under proper treatment from the date of examining the patient.

SHIKARPUR, (Sd.) B. H. CORNELIUS,

10th November 1942. *Sub-Assistant Surgeon.*

Exhibit P7.

MYSORE MEDICAL DEPARTMENT

WOUND CERTIFICATE No. 20.

Wounds or injuries found on the person of a Police Inspector calling himself M. Zameeruddin Sheriff, aged 33 years, an inhabitant of Shikarpur who was sent with from Isoor Village and accompanied by Churchugundi Kadappa and Md. Zaffar for report as to certain injuries said to have been caused on 28-9-1942 and to be due to assault.

Identification marks.—1. A horizontal scar $\frac{1}{2}''$ long by $\frac{1}{10}''$ wide at the root of the left thumb situated dorsally.

The injured person was first seen by the undersigned at 9-30 P.M. on the 28-9-1942 and the examination was commenced at 1-30 A.M. on 29-9-1942 when the following injuries were found :—

1. An incised wound $1\frac{1}{2}'' \times \frac{1}{2}''$ and scalp deep, situated over the vertex in the region of the posterior fontanella.

2. An oblique incised wound $2'' \times \frac{1}{4}''$ and scalp about $1''$ below injury No. 3.

3. An abrasion $1'' \times 1''$ situated over the right shoulder.

4. One stripe like contusion $3'' \times 1''$ situated on the back part of the right shoulder.

5. A diffuse pink coloured contusion over the right shoulder blade and is $4'' \times 6''$. The skin is abraded in three places.

6. Diffuse contusion $6'' \times 3''$ over the left scapula at its upper part. On it is an area $1\frac{1}{2}'' \times 1''$ which is discoloured black with blebs over it.

7. Stripe like contusion $6\frac{1}{2}'' \times \frac{3}{4}''$ situated obliquely over the lower part of the left side of the back.

8. Another stripe like contusion $1\frac{1}{2}'' \times 4\frac{1}{2}''$ across the lower part of the left scapula.

9. A stripe like contusion $3'' \times \frac{1}{2}''$ situated vertically over the lower part of the back on its right side.

10. Diffuse contusion $6'' \times 3''$ pinkish in colour on the outer aspect of the left arm at its upper part. On it are two tiny abrasions of the size of a nail's head with blackish discoloration.

11. A ligature mark $\frac{3}{4}''$ broad around the left arm about 3" above the bend of the elbow.

12. Above injury No. 11, *i.e.*, above the ligature mark is a diffuse contusion $3\frac{1}{2}'' \times 1\frac{1}{2}''$ on the anterior aspect of the left arm.

13. An abrasion $2'' \times 1''$ below the ligature mark on the left arm on its outer side.

14. A ligature mark situated obliquely around the right arm $\frac{1}{2}''$ broad and is 2" above the bend of the elbow joint in front and 4" above the tip of the elbow behind. Some abrasions are present here and there.

15. An abrasion $\frac{1}{2}'' \times \frac{1}{8}''$ on the inner side of the left forearm on its upper third.

16. An abrasion $3'' \times \frac{1}{2}''$ on the inner aspect of the left arm at its lower third.

17. A contusion of the lower lip.

18. An abrasion $\frac{3}{4}'' \times \frac{1}{2}''$ situated on the posterior aspect of the left leg at the junction of the lower and middle third.

I am of opinion that the above injuries are due to external violence. Injuries Nos. 1, 2, 5, 6, 7, 8, 9 and 10 may take about two weeks and injuries Nos. 4, 11, 12, 14 and 17 about ten days and injuries Nos. 3, 13, 15, 16 and 18 about one week to heal under proper treatment from the date of examining the patient.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon,
Shikarpur.
10-10-42.

Exhibit P8.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE No. 21.

Wounds or injuries found on the person of a P. C. No. 350 calling himself Essack Mia, aged 35 years, an inhabitant of Shikarpur who was sent with (nil) from Isoor village and accompanied by P. Cs. Krishnamoorthy and Khasim Sab for report as to certain injuries said to have been caused on 28th September 1942 and to be due to assault.

Identification marks.—A scar $1\frac{3}{4}'' \times 1''$ on the front of the left ankle. A tiny dark mole on the left side of the neck.

The injured person was first seen by the undersigned at 2 A.M. on the 29th September 1942, and the examination was commenced at 2 A.M. on the 29th September 1942 when the following injuries were found:—

1. A triangular shaped wound of the size of a nail's head and skin deep situated on the inner side of the upper part of the left arm close to the axilla.

2. Eight scratch like abrasions varying in length from $1\frac{1}{2}''$ to $2\frac{1}{2}''$ situated on the outer side of the middle and lower part of the right thigh at intervals.

3. An abrasion $2'' \times \frac{1}{2}''$ situated on the innerside of the left knee in front.

4. A stripe like abrasion $3'' \times \frac{1}{4}''$ situated on the back part of the left thigh in its middle part.

5. A transverse contusion $4'' \times 1''$ situated $1\frac{1}{2}''$ below injury No. 1.

The above injuries are due to external violence. Injuries Nos. 1 and 5 may take about 10 days and injuries Nos. 2, 3 and 4 about a week to heal under proper treatment from the date of examining the patient.

(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon,
Shikarpur.
10-10-42.

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Exhibit P9.

J-2 Crime No. 18—42-43

From
The Police Inspector and
Investigating Officer,
(Camp), Isoor Village, Shikarpur Taluk.

To
The Sub-Assistant Surgeon,
L. F. Dispensary, Shikarpur.

Sir,

With reference to the two copies of P. M. Report Nos. 3 and 4, dated 30th September 1942, sent by you to the *Ex-officio* I Class Magistrate, Sagar and received by me subsequently for purposes of investigation, I have the honour to request you to kindly furnish me your opinion on the following points :—

1. Whether there were any injuries if at all including fractures noted in the P. M. Reports which were Post Mortem ?

2. Whether the fractures of skull in the case of late M. Kenche Gowda was not sufficient to cause his death ?

3. Please state such of those injuries in the case of both as were mortal injuries by themselves ?

4. Age of the injuries ?

5. Interval between infliction of injuries and the death in each of the two cases under reference.

6. It is stated in P.M. No. 4 of 30th September 1942: "A contusion on the forehead and on it several pin point like abrasions" (*vide* injury No. 2). Could such abrasions be caused by clubs with irregular edges or surface ?

I have the honour to be,
Sir,
Your most obedient servant,

Camp Isoor,

17-10-1942.

(Sd.) N. R. NARASIMHACHAR,
Inspector of Police and
Investigating Officer.

Exhibit P10.

Camp No. A—26-10-42.
I-1 Crime No. 18—42-43.

From
N. R. Narasimhachar, Esq.,
Inspector of Police and Investigating Officer,
(Camp) Shikarpur.

To
The Sub-Assistant Surgeon,
L. F. Dispensary,
Shikarpur.

Sir,

With reference to your letter No. 91, dated 21st October 1942, forwarding six wound certificates in respect of the persons noted below, I have the honour to state that out of the injuries noted therein, there are some injuries described as "stripe like contusions", "three parallel stripe like contusions", "wheel like contusions" in addition to some ligature marks both on the arms and thumbs in the case of the Revenue Inspector, Police Inspector, Daffedar Abdul Sattar, Police Constables 319 Venkatapathy and 234 Ramiah. I request you to be good enough to let me know whether the "stripe like contusions and wheel like contusions could be caused by an assault by clubs having rough or irregular surface and if the ligature mark could have been caused by the injured persons having been tied their arms and thumbs with twisted ropes or threads.

The matter may kindly be treated as extremely urgent since the opinion in the matter is to be filed by the 28th instant in the Court.

I request you also to kindly furnish your opinion as to the number of days each of the injured would take, with reference to the nature of the injuries sustained by each to become fit to follow his ordinary pursuits.

Thanking you,

I have the honour to be, 5
Sir,
Your most obedient servant,
(Sd.) N. R. NARASIMHACHAR,
Inspector of Police.

Camp Shikarpur,
26-10-1942.

Exhibit P11. 10

MYSORE MEDICAL DEPARTMENT.

No. 85.

Shikarpur,
Dated 16th October 1942.

From

The Sub-Assistant Surgeon, 15
L. F. Dispensary,
Shikarpur,
Shimoga District.

To

The Police Inspector, 20
Isoor Camp.

Sir,

With reference to your letter, dated 13th October 1942, I have the honour to inform you that many of the injuries found on the persons of the injured and also on the bodies of the late Amildar and Sub-Inspector might have been caused by 25 these bamboo clubs or of those of a similar type.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) B. H. CORNELIUS, 30
Sub-Assistant Surgeon.

Exhibit P12

MYSORE MEDICAL DEPARTMENT.

No. 98.

Shikarpur,
Dated 26th October 1942. 35

From

The Sub-Assistant Surgeon,
L. F. Dispensary,
Shikarpur,
Shimoga District. 40

To

The Police Inspector,
(Camp) Isoor Village,
Shikarpur Taluk.

Sir, 45

With reference to your No. 18—42-43, dated 17th October 1942, I have the honour to state as follows for the questions put therein :—

I. I think there were no injuries in the *post mortem* reports Nos. 3 and 4, dated 30th September 1942 that were *post mortem.*

II. The fractures of skull in the case of late Mr. Kenche Gowda were 50 sufficient to cause his death.

III. The fractures of skull on the person of the late Sub-Inspector of Police were mortal by themselves.

IV. The age of the injuries might probably be about 30 hours old.

V. Interval between infliction of injuries and the death in each of the two 55 cases may be from one to two hours.

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VI. The pin point like abrasion on the contusion mentioned in injury No. 2 of *post mortem* report No. 4, dated 30th September 1942, might probably be caused by coming in contact with clubs having pointed irregular surface.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon.

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Exhibit P13.

MYSORE MEDICAL DEPARTMENT.

No. 101.

Shikarpur,
Dated 27th October 1942.

From

15 The Sub-Assistant Surgeon,
L. F. Dispensary,
Shikarpur,
Shimoga District.

To

20 The Police Inspector and
Investigating Officer,
(Camp) Shikarpur.

Sir,

With reference to your Camp No. A., dated 26th October 1942 in Crime 25 No. 18—42-43, I have the honour to state that the stripe like contusions might have been caused by sticks or clubs of moderate size and the wheel-like contusion might probably have been caused by the extremity of a club having a protruded centre with ridges radiating from it to the margin.

The ligature marks on the injured persons might have been caused by being 30 tied by twisted ropes or threads.

Regarding the number of days each would take to become fit to follow his ordinary pursuit may kindly be referred to the District Medical Officer of Shimoga District as the patients were removed the very next day to Mc Gann Hospital for further treatment.

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I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) B. H. CORNELIUS,
Sub-Assistant Surgeon.

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Exhibit P 14.

Register of Arms Deposited.

Exhibit P14 (a)

To

45 THE GOVERNMENT OF MYSORE.

The Mahazar executed by the undersigned panchayets gathered near the house of Sahukar Rachavalli Rudrappa at Isoor on 2nd February 1942.

WHEREAS the District Magistrate ordered in No. J. 4. C. 67—41-42, dated 30th November 1941.

50 WHEREAS the same was forwarded by the District Superintendent of Police with his No. GL. 112—41-42, dated 9th December 1941 for due execution thereof.

WHEREAS the Police Daffedar No. 47 of Shikarpur Kasaba, C. K. Lingappa went to the said house, accompanied by us and demanded Sahukar Rudrappa to surrender his gun license and guns.

55 WHEREAS he produced the undermentioned guns and license.

The Police Daffedar effected their seizure in pursuance of the aforesaid order. To this effect is the mahazar executed.

R. O. and A. C.,
(Sd.) SAHUKAR RACHAVALLI RUDRAPPA,
(In Kannada.)

2-2-1942.

(Sd.) C. K. LINGAPPA,
Police Daffedar, 47,
2-2-1942.

(Sd.) SAHUKAR RACHAVALLI BASAVANNAPPA,
Isoor.

DESCRIPTION OF THE ABOVEMENTIONED GUNS.—

1. D. B. M. L. Gun
F. L. 38¼". BL. 22¼".
One brass band
1 wood rod
Trigger plate bears John Murray.
Iron Butt Plate. "R" Mark in Butt.

2. 6 Chambered Revolver.
F. L. 12". BL. 4".
Colt and Horse figure on both sides of the butt.

POLICE.—

+sitive 32 Police CTG
on the barrel with Colt's PTFAMFG
Cohartford CT. U. S. A. Pat'D
AUG. 5, 1884, July 4 1905, Oct. 5, 1926
No. 332483 inside.

3 D. B. H. L. Gun
B. L. 23½". FL. 40½".
1 Brass band; 4 silver flowers affixed on the butt.
1 Iron Rod. Gun is to be repaired

Exhibit P14 (b).

Register of Arms Deposited—Entry.

Serial No.	Date	Particulars of arms	By whom Deposited or from whom taken	Residence		If License obtained when?	If License not obtained how were arms disposed of	Signature of S.H.O. owner and two witnesses when arms are deposited	Remarks
				Village	Taluk				
1	2	3	4	5	6	7	8	9	10
26—41-42	2-2-42	D. B. M. L. Gun Bl. 22¼ inches Fl. 38¼ inches, one brass hand, one wooden rod, John Murray on chop R. mark on butt. Iron Butt plate.	Rachavalli Rudrappa, Sahucar.	Isoo	Shikarpur	The license was in the name of the depositor, in No. 2302—3-11-38, Book No. IX and was renewed until the end of December 1942.	The Fire-arm was seized in pursuance of the order of the District Magistrate in No. J. 4 (c) 67—41-42, dated 23rd/24th December 1941, for reasons that he was concerned in Crime No. 62—38-39 and that his younger brother Basavappa was an active Congressman.	Mahazar enclosed (Sd.) C. K. Lingappa, 2-2-42. D. 47	
27—41-42	2-2-42	Six Chambered Revolver Bl. 4 inches Fl. 12 inches Colt and horse finger on both sides of the butt. Police +ositive 32. Police C. T. G. on Barrel with Colt S. P. T., F. A. M., F. G. Cohert Ford. C. T. U. S. A. Pat. 'D August 5 1884, July 4 1905, October 5 1926. No. 332483, inside.						(Sd.) C. K. Lingappa D. 47	
28—41-42	5-2-42	D. B. Ml. Gun Bl. 23½ inches Fl. 40½ inches, one brass hand, 4 silver flowers, fixed on the butt iron rod.						(Sd.) C. K. Lingappa D. 47	

Exhibit P15.

To

The Police Sub-Inspector,
Shikarpur.

5 Report dated 28th September 1942 of S. N. Ranganatha Rao, Shanbhog, Isoor.

Sir,

I have already submitted in my previous report that on Friday 25th September 1942 when I and the Patel went to Isoor for collection and Pahane, how our books were taken away we were abused. Both of us again went to Isoor on Sunday 27th 10 September 1942 at 1 o'clock in the afternoon and sat in Gowreswara temple which is in the North of the village. Shortly thereafter, having come to know of our presence there, about 50-60 girls came and asked us why we had gone there and said that we should go as their Amildar wanted us. We said that we would not go and started back saying that we would go back. They spoke ill of us and asked us to 15 get out and said that we need not get in. We had gone 2-3 furlongs away from the village. When 50-60 boys and girls came and said that their Amildar Sahib wanted us to go to him and began dragging us by force holding our arms, and took us so far as the Agasebagilu which is in the north of the village and then they took us beating a drum in front of us to the eastern Agasebagil where the congress 20 Amildar was found. There they called the Patel and said that their Amildar Jayappa wanted to talk to him; the Patel went. They asked him to perform namaskara by holding his hands, which he did.

Enquiry.—He was asked as to why he entered their village and whether he had not already been told not to get in and they asked him to submit a *Rajinama* 25 (Resignation) to their congress Government. To this the Patel replied that he had gone there as he was the Patel of the place and that he would not submit resignation as it was not a congress Government. They then took the Patel to a distance and put me the same questions as were put to the Patel and my reply was the same as that of the Patel. They then snatched by force the coat and the cap 30 that I had put on. Then they brought the Patel who was at a distance, near me. In the meanwhile Sahukar Rachavalli Basavannappa said that we should agree to the decision to be given by their Amildar Sahib. We said we would agree to that. Then Amildar Jayappa gave his decision stating that as we had gone against the congress Government we were fined Rs. 10 which we should pay failing which we 35 should stand on one leg in the Sun for three hours. Then they forced me and beat me and made me stand on one leg. The Patel beseached that as he was an old man and not able to stand on one leg, he may not be made to stand on one leg. The Patel was made to stand on both legs. We were standing like this for about 2 hours. Then they sent us stating that we may resign our jobs and then return 40 to the village. By then it was about 6 o'clock in the evening. All this was being witnessed by Badakalli Veerappa, School Master at Nelavagalu, Madiwalara Hucharayappa, Kengatte Siddappa and many others. Then both of us went to Gama village, stopped there that night and in the morning we two and Patel's son Gurubasaviah, *i.e.*, three of us came to Shikarpur. It is prayed Sir, that proper 45 steps may be taken.

Received at 10-45 A.M. in person
(Sd.) C. K. LINGAPPA,
Daffedar,
28-9-42.

(Sd.) S. N. RANGANATHA RAO,
Shanbhog,
28-9-42.

50 Seen.
Ind.) * * * *
Police Inspector,
14-10-42.

Exhibit P16.

55 To

The Police Office of Shikarpur Taluk.

Report dated 28th September 1942 of G. Gurubasaviah of Gama village, son of Chennabasaviah Gowda, Patel of Isoor.

I, my father Chennabasaviah and Shanbhog Ranganatha Rao, all three of us 60 came to the Taluk Office yesterday to report to the Amildar about what had

happened yesterday, *viz.*, the fact of my father and the Shanbhog, who were sitting in Gowreswara temple, having been taken to the pendal put up in front of the village, with the beating of drums and there having been made to stand on one leg and put to shame, on the ground that they did not join the congress resigning their offices of Patel and Shanbhog. On enquiry it was learnt that the Amildar, Police Inspector, Sub-Inspector, Revenue Inspector and the Police had left for Isoor village. I and my father went back to Gama village, but I went alone to Isoor village to see the Amildar. There in front of the Veerabhadra temple the Amildar and Sub-Inspector were lying dead. The entire body was blood-stained. The others, *i.e.*, Police Inspector, Revenue Inspector, Daffedar Sattar Sab, Constables Jettappa and Ramiah were tied down. Even they are badly injured and are in a dying state. There was a crowd of about 500-600 people—all of them had clubs in their hands. On the whole all the people of Isoor village have joined and committed this offence. I have informed this fact.

Received in person at 2-30 P.M.
on 28th September 1942.
(Sd.) C. K. Lingappa,
S. H. O.

(Sd.) G. GURUBASAVIAH,
Rd. with F. I. R.
(Id.) Not clear.
F. C. M.
28-9-42.
Shikarpur Camp.

Exhibit P17.

To
The Police Inspector,
Shikarpur Taluk.

Report dated 6th September 1942 from the Patel of Isoor village.

Sir,

Every morning in Isoor there will be a 'Prabhat Feri' procession. The number will be about 150 to 200. Elders, boys and girls take part in this. The leaders are Sahukar Basavannappa, Angadi Halappa and Ningoji (student of the High School). It is written on the walls here and there as follows "Set fire to the Office", 'Burn the books of the Gowdas and Shanbhogs' and during 'Prabhat Feri' they also shout likewise. It is learnt that the Thalawar is instructed not to go for any Government work with the Gowda, not to obey any of the orders of Government servants whenever they came, and not to treat them properly; failing which they will not be paid any 'Aya' or any other amount due. At present the two people are not attending to any Government work.

I have reported the facts.

(Sd.) G. Gurubasaviah,
Patel, Isoor.

S. B. file.
(Id.) S. L. K. G.
Sub-Inspector,
Isoor.

Exhibit P18.

Mahazar dated 29th September 1942 drawn up in front of the Veerabhadra temple, Isoor village, Shikarpur Taluk, by the undersigned is as follows:—

This temple faces the East, the width of it is three ankanams and lengthwise it has a row of 4 pillars (*4 rows of pillars*); of this, the ankanam in the rear has verandahs, parapet walls and door. The portion behind this is a square, stone building with 4 stone pillars in the middle. This square construction has a door and behind this is a room opposite the door. In the centre of this room (ಬಾಗಿಲು ಸರ್ಕಾರ್) is a stone image of a bull. *Behind this room is the 'Garbhankana'* (*Sanctum Sanctorum*, and there are two stone images inside, and there are two metal images in front. The central stone walled room has a door on the southern side. In the right side ankanam of the temple the following are written in chalk on the pillars and beams.

"Brother ryots, learn Hindi. May God grant (give) independence and Victory to India. The suffering of the ryots is the suffering of India and their

happiness the happiness of India. All contempt to traitors—*Vande Mataram.* Let English schools be closed and let Britishers be imprisoned. Don't drink toddy which makes one unsteady. Every one wants independence. Don't smoke cigarettes and beedies. The Government servants are unfit to sit here. Don't offer mats and chairs for the Government servants to sit on. We are free. Do not pay respect to Government servants, the houses of those who respect them will be set fire to by us—take care! Government servants are the slaves of ryots. India is independent."

In the middle ankanam of the said temple the following are written on the beams with chalk.

Gandhi's abode

Those who cause pain to the poor cannot escape hell.

Mahatma's Message.

1. Don't pay kandaya,
2. Cut teak wood trees.
3. Don't pay toll, etc.
4. Cut the wires.

President of the Congress.

Beware!

If the Government should fail to help ryot set fire to the Taluk Office.

Let there be unity. Let the Government servants be cut (to pieces) ryot brethren be united; give up communal differences.

Don't be afraid of the Government. Patels, Shanbhogs, Panchayet Members must resign. Set fire to the Post (Offices). Britishers are our slaves.

Talawars! If you discharge the Government duties, 'Aya' etc., will not be paid to you.

Every one should take part in Prabhat Feri.

Oh, you, red faced men, God will kick you out. You go out bag and baggage. Every one should be present at the congress meeting.

In the left ankanam of the said temple the following are written in chalk.

It is Mother India that gives food. Don't pay kandaya. Khadi is the way to heaven. Don't learn English. Cut the Date trees.

Leaders, don't be cowards. Service to country is service to God. Don't pay fines; don't be afraid of the Government servants and become cowards. Cut the teak trees. A Hindi school will be opened here from next Wednesday. Let ryots and students take part.

M. K. Gandhi.

You, red faced ones *** (not clear) run away from our country. You, the leaders of the town, support the congress. Contribute to the congress fund even beyond your capacity. Hereafter he who stands boldly for the congress will himself be a big leader. Don't be afraid of the red faced monkeys. We are not afraid. Brother ryots, encourage the congress. Don't support the Government servants.

Oh! You leaders of the town, are you not ashamed.

In front of that temple, *i.e.*, towards the East 30 feet away from the temple in the 'Tumbo Honda' Road, there is a spot 3 cubits in length and 4 cubits in width which has traces of something having been burnt there and the entire space is charred. On a search being made round about this, in the grass was found a burnt bit of leather belt 16″ long and other pieces of burnt leather belt were also found. Near the aforesaid spot, towards the East, at a distance of 12 cubits (3 'Marus') was found, on the grass, an unburnt leather object of a ring pattern. At a distance of about 40 feet from the above said spot, in the direction between the East and South, there is a heap of stout firewood measuring about 10 feet long, 8 feet broad and 15 feet high. The heap consists of firewood pieces varying in thickness from the size of a cane to that of a thigh. By the side of this is pitched in the earth, a pole forked at one end about 7 feet long. This pole seems to be blood-stained from the bottom up to a height of about 2 feet. This portion is packed and sealed and is kept in safe custody. The space from this fuel heap to the road in front, measuring about 15 feet in length and 2 feet in width, bears

signs of having been charred. By the side of the road, there is a space enclosed by a length of 2 feet, where the green grass has been charred. On the burnt spot were six sticks which were half burnt and these have been seized by the Police for further action. In the fuel heap appear traces of the first two or three rows having been removed. There were also found, one gong belonging to the Temple (Garbagudi) with the words, "God Veerabhadra, Isoor", inscribed thereon, and also two congress flags with the connected bamboo poles. On a search being made round about, four bamboo clubs were found; of these three are old ones and one new.

To this effect is this mahazar drawn up. Mahazar was read out. It is correct.

(Sd.) S. Anantharaya (Ganapiah) Gama.
T. Sivappa, Gama, son of Ramappa.
Shivarudriah, son of Halappiah, Gama.
G. Gurubasaviah.
G. Chennabasaviah (Patel) not clear.
S. N. Ranganatha Rao.
Dodda basa **** (Not clear.)
Kamal Sab, Patel.

Exhibit P19.

Book of introduction to Mahatma Gandhi.

Exhibit P19 (a).

Book containing some songs (Lavani).

Exhibit P19 (b).

Booklet containing songs (lavani) regarding canvassing votes for congress candidates.

Exhibit P19 (c).

Page 4—Reading and explaining the newspapers to the villagers and trying to improve the village with the aid of the village headmen.

Page 8—The condition of the depressed communities is lowered by praising the people of the forward communities. What are the steps to be undertaken to avoid this, etc.

Exhibit P19 (d).

Vande Mataram. Mysore Congress, Bangalore City.

(Sd.) T. Sivappa Gama.

On behalf of the Mysore Congress, Mr. N. Keshava Iyengar, B.A., B.L., has submitted the following memorial to His Highness the Maharaja.

C. C. 123—42-43. Seen and returned to I. O.

(Sd.) D. R.,
F.C.M.
16-10-1942.

The respectful prayers and representations of crores of Mysore Congress people submitted to Sri Jaya Chamaraja Wadiyar Bahadur.

Your Highness,

Your Highness may already be aware of the fact that because Mahatma Gandhi and other congress leaders asked for the independence of India, they are arrested. Whether independent or dependent, India is one and unbroken. In the opinion of all of us the future of the States is intimately bound up with the independence of India. We have felt that it is a sacred duty on the part of the rulers of the States and the people to join in the "non-violent" struggle which has been started under the leadership of Gandhiji, the object of which is to free India

form its bonds. The people of the native States form a part and parcel of independent India. Hence, we place the following few requests at your feet and we respectfully pray for your kind acceptance.

1. To give up all the treaties and agreements with Britain, and to resist for Representative of the Empire from causing obstruction.

2. To announce that your Highness would join Free India.

3. Your Highness to agree to the status of a constitutional ruler to accept a democratic form of Government and to establish a responsible Government.

4. To accept the fundamental rights of the people.

5. To release all the political prisoners.

Your Highness,

We would request your Highness after making these announcements to start the work of establishing a National Government and to make the future constitution a practical measure.

Your Highness, with respects to the ruler, Mysore Congress.

(Sd.) T. Sivappa, Gama,
G. Gurubasaviah.

Exhibit 19 (e).

Long live the Revolution! Are you Indians? Does Indian blood flow in your veins. Are Vyasa, Valmiki, Vidyaranya and the famous Rishis your ancestors? Do you not feel proud of the fact that you are the descendants of Buddha, Chendragupta, Pratapasimha, Pulikeshi, Sivaji, Tippoo Sultan and Sivappa Naik and other heroes who sacrificed their all for the sake of the country?

They say that you are cowards, that you are not manly and that you are slaves. Are love of country and love of freedom empty words which mean nothing to you? They say we sell our souls for wages and food,—that our men are moustached cowards, and swine who die for pay,—and frightened (Ghosts) shadows of men. Do you not flare up when you hear all this? Does not your hair stand on end? Are you awake? Make a triumphant cry. Make India a heaven! Those who lay behind are worms. Such worms are not born in our sacred land. Russia and China need not teach us to sacrifice our lives for the service of the country irrespective of the fact whether one is a man or woman. That great man who has unremittingly toiled for 50 out of the 75 years of his life, and now engaged in making the last sacrifice of his life, is now beckoning to you. He has made this clear to the world and has taken up the responsibility of the 40 crores of people of this country in the task of conferring the blessings of freedom on every one in the world. If centuries of slavery has not deafened your ears and has not your hearts, come forth every one—man or woman—at the call of freedom.

Servant of the country.
T. Sivappa, Gama.
T. Gurubasaviah.

Exhibit 19 (F).

Copy of Exhibit 19 (E)

Exhibit P19 (G)

Song of Victory.

Exhibit P19 (H).

Chairman, Ladies and Gentlemen,

You know why we have gathered here. The British gangsters who live 6,000 miles beyond are treating us as slaves and treading us under their feet. If we are to

drive out these depredators, we must act in concert. I hope that every raiyat will rise to the occasion. With this hope, I conclude my brief speech.

Heil Mahatma Gandhi. *Vande Mataram.*

(Notes)

What is Congress

Vande Mataram.

The connotation of the word 'Trust'.

The message of Mahatma Gandhi.

The part to be played by village people.

Congress Fund.

The tragic events at Bangalore.

The powers of His Highness the Maharaja and Dewan having been negatived.

The extraordinary power of the Resident.

The story of the snake (Hiss-Hiss).

The heart-rending circumstances at Davangere.

Passing away of Mahadeva Desai.

Political Events 'War' (Jinnah).

Talk to village people.

Chopping of Teak.

Game of playing-cards.

Congress Fund.

Passing away of Mahadeva Desai.

Have courage.

Exhibit P19 (J).

(Sd.) T. Sivappa, Gama.

(Sd.) G. Gurubasaviah.

The message of Gandhi. Duties of the villagers. What the people of the town should undertake. Congress fund.

The present critical situation at Bangalore. (The fact of the Maharaja being powerless).

The extraordinary powers of the Resident (is lessened). About the snake.

Political situation (The help rendered through the war. Pheroz Khan. Sir Sikandar, Noor as against Jinnah and in ontempt.

(1) I desire that India's political unity should be the highest ideal of every Indian. (2) No agreement or opposition. (3) Jinnah's Pakistan throws it into the dust bin.

Exhibit P19 (K).

(Sd.) T. Sivappa, Gama.

(Sd.) G. Gurubasaviah.

Vande Mataram.

Election of the President.

Speakers :—

1. Manjappa, 2. Basavannappa, 3. Lingappa, 4. Santhaveerappa.

President's speech.

Vote of thanks.

Exhibit P19 (L).

T. Sivappa, Gama.

To

Paniappachar.

Boys have come from Shimoga. Arrange for light and tiffin.

Sivanniah.

G. Gurubasaviah.

Fried grass	...	One seer.
Parched rice	...	10 seers.
Cocoanunts	....	3
Coffee powder	....	$2\frac{1}{2}$ tolas
Total value	....	0 14 6

Exhibit P19 (M). (Slip.)

Signed in Kannada. T. Sivappa, Gama.
Signed G. Gurubasaviah.

1. City.
2. Malleswara.
3. Yesavanthapura.
4. Chikkabanavara (Tiffin, meals).
5. Gollarahalli (Murthanappa).
6. Nelamangala Taluk. (Tiffin, meals.)
   (G. Gangappa, Panchaksharappa, Gubbi Hutchappa (President) Jayadeva Hostel.
7. Davusput (Meals).
8. (In Kannada) Kyathasandra. K. C. Hanumanthappa Setty. (Congress President) Tumkur T. L Narasimiah (Morning Tiffin).
9. Tumkur (Meals).

(Id.) Not clear.
30-9-42.

C. C. 123—42-43. Seen and returned to I. O. (Id.) Not clear.
16-10-42.

Exhibit P 20.

Report dated 25th September 1942 of the Patel and Shanbhog of Isoor, to the Amildar, Shikarpur Taluk.

S. I. I., for immediate needful action and to make thorough enquiries and report.
(Sd.) MZ. SHERIFF,
Police Inspector.

Ex. P 20 (b)

J. C. 38—42-43 forwarded with compliments to the Inspector of Police, Shikarpur for needful action immediately.
(Sd.) V. N. CHANNAKRISHNAPPA,
Amildar,
26-9-1942.

Ex. P 20 (a).

Sir,

We went to Isoor for Pahane and collection and sat in the Veerabhadra temple of that village. We sent for the Talawar and Basavannappa, Chairman of the village for assistance in the collection and other work of the said village. They came to the temple. We proposed to take up the collection work. They said that as it was already late that day, we might take up collection work the next day and that they would also help. They also sat there for some time. After some time Rachavalli Sahukar Basavannappa came to the temple and asked us at what time we arrived there and for what purpose. We told him that we had come there for collection work. He immediately left the place. After a short time a boy of the village by name Masoothi Namdeva Hanumanthappa, and a few other boys (4–6) came to the temple where we were, took the gong which was in the temple and stood at the edge of the pial of the temple and sounded it. Immediately after the gong was sounded Thyavangi Jayappa, grandson of Rachavalli Rudrappa, and Siddalingiah, son of Ulaveri Puttiah, Ramalli Lingappa, Moogappa, son of Gowdara Basappa of Devanga caste, and many other boys and Gangamma, daughter of Ulaveri Puttaiah, Kamalamma, daughter-in-law of Hirematada Shiviah, Chandamma, daughter of Akkasale Marilingappa and many other boys and girls about 60-70 in all, came and one of them Thyavanagi Jayappa, grandson of Rachavalli Rudrappa, said "It is our salt that you eat. You are our servants. It is not right that you should do thus. Send up your resignations. Else, we will burn your papers. Don't you know that Isoor is a Congress village?" He was supported in this by many other boys. We two then suitably advised the boys. Still they continued to stand around us. Suddently all the boys went out of the temple and Moogappa (Mooganna), son of Gowda Basappa of Devanga caste and two other boys were sitting in Patala Ankana. At this time the Patel went to Master Puttappa's house, which is by the side of the temple, to drink water. It

was about 1 O'clock in the afternoon. As he was tired in the hot sun and as he was thirsty he went. I, the Shanbhog, sat there with the records of both myself and the patel. At that time the boys were outside the temple. The abovesaid Moogappa, son of Gowda Basappa, and the two other boys were sitting in the Patala Ankana. Then some boys and girls came from within the village in Prabhatberi to the front of the temple. Seeing the large number of boys, I went to Puttappa's (master's) house to call the Gowda, who had gone there to drink water. Our account books were in the temple. I called the patel and asked him to return at once as the number of boys had increased and as they might take away the account books. And when we came back we found that the books of accounts were not there.

Details of account books of thePatel :—

1. List of arrears of revenue, 2. Revenue Aivaju, 3. List of arrears of Panchayet subscriptions, 4. Receipt book relating to Panchayet, 5 Notice Book and other miscellaneous papers, one pen and one money purse of the Shanbhog, Khate of the panchayet, Kirdi 42-43, Kirdi 41-42, Revenue kirdi 42-43, Pahane of 41-42. All these Account Books were missing in the place where we had sat. We asked all the boys that were in front of the temple about this. They said that they had not taken them. By that time, Akkasale Sooryanarayanachar of that village came there on hearing this galata (disturbance). We told him all that had happened and informed him that the books had been removed. He asked us as to who had taken them. We said that it was Mooganna, Jayappa and other boys who had taken them away. He asked us if the boys could have done all that. He told us to keep quiet, to be patient and not to make galata, and left the temple. Then Kademane Thimmanna, Namadeva, Honnali Hanumanthappa and four others came there. We informed them also about this. They asked the boys not to make galata and told them to return the books of the Patel and Shanbhog. They did not return them. Even so we were sitting there. All the boys stood round us, asking us to get out of the village talking ill of us and threatened to press against us. Since the number of boys was large and we were only two and as the boys were actually falling upon us, we went out of the village. The boys came behind us in a body as far as Agasibagil. At this time Gowdara Angadi Ramappa, who is living near Banasankari temple, was also present. We told him also what had taken place. He remained silent. Sometime after we came to the bazaar in the east of the village and we told Nirvani Halappa and others who were there. We then sent for Akkasale Sooryanarayanachari once again through the boy, Ramalli Ningappa. This boy returned saying that he was not at home. The elders who were there, were glad and all laughed at the way the boys were talking. Nirwani Halappa left the place. In this way, the boys and elders are disturbing us from doing the work of the Government. Hence, it is not possible to say, what kind of trouble may arise at any moment. We have therefore reported the state of affairs.

(Sd.) S. N. Ranganatha Rao.
Shanbhog.

(Sd.) G. Channabasaviah,
Patel.

Exhibit P21.

Copy of Exhibit P20.

C. C. No. 1—42-43.

Report dated 25th September 1942 of the Patel and Shanbhog of Isoor, to the Police Head Office, Shikarpur Taluk.

Same as Exhibit P20.

Presented in person.
(Sd.) S. L. K. Gowda,
Sub-Inspector,
Isoor,
26-9-42.
9-40 A.M.

Exhibit P21(*a*)

Exhibit P22.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE.

Wounds or injuries found on the person of a male calling himself Gurushantappa, aged 26 years, an inhabitant of Isoor village, who was sent with—from Shikarpur Taluk and accompanied by himself for report as to certain injuries said to have been caused on 28th September 1942, at about 11 A.M. and to be due to a gun shot.

Identification marks.—

(1) A raised black mole with a hair in the right Hypochondrium of the size of a split pea.

The injured person was first seen by the undersigned at 6-20 P.M. on the 29th September 1942 and the examination was commenced at 6-20 P.M. on the 29th September 1942 when the following injuries were found:—

(1) A circular punctured wound with a diameter of about $\frac{1}{8}''$, edges inverted, situated just below the labule of the right ear. Can be probed to about $\frac{3}{4}''$. The wound is charred.

(2) A circular punctured wound with a diameter of about $\frac{1}{8}''$ situated just below the right malar eminence. The edges are everted. Probe can be passed to a distance of about 1″. (There was peritonsillar in duration on the right side).

I am of opinion that the above injuries may have been caused by a gun shot and have taken twenty-two days to heal.

Station—Shimoga.
Dated 22-10-42.

Name—D. V. SUBBA RAO,
Rank—*Sub-Assistant Surgeon,*
McGann Hospital.

Exhibit P23.

MYSORE MEDICAL DEPARTMENT.

WOUND CERTIFICATE.

Wounds or injuries found on the person of a male calling himself Phaniappachary, aged 40 years, an inhabitant of Isoor village, Shikarpur Taluk, who was sent with—from—and accompanied by himself for report as to certain injuries said to have been caused on 28th September 1942 at about 11 A.M. and to be due to a gun shot.

Identification marks.—

(1) A small scar in the right Hypochondrium.

(2) Small-pox marks on the face.

The injured person was first seen by the undersigned at 6 P.M. on the 29th September 1942 and the examination was commenced at 6 P.M. on the 29th September 1942 when the following injuries were found:—

(1) A circular punctured wound with a diameter of about $\frac{1}{8}''$ edges inverted, situated 1″ above the insertion of the right deltoid muscle. Probe can be passed to a depth of about 1″. The wound is charred.

(2) A circular punctured wound with a diameter of about $\frac{1}{8}''$ edges everted, situated 1″ above and slightly behind the portion Right axillary fold. Probe can be passed to a distance of about $\frac{3}{4}''$.

I am of opinion that the above injuries may have been caused by a gun shot and have taken twenty-two days to heal.

Station—Shimoga.
Date 22-10-42.

Name—D. V. SUBBA RAO,
Rank—*Sub-Assistant Surgeon,*
McGann Hospital.

Exhibit P24.

From

The Police Inspector in charge of investigation in Criminal No. 18—42-43 of Shikarpur Kasaba.

To

The Sub-Assistant Surgeon,
District Hospital,
Shimoga.

Sir,

With reference to the wound certificate issued by you on behalf of Phaniappachari and Gurushantappa accused in C. C. No. 18—42-43 of Shikarpur Kasaba, I have the honour to request you to kindly furnish your opinion whether the injuries could be caused by bullets from the revolver bearing No. 366002 which is herewith produced.

I have the honour to be,
Sir,
Your most obedient servant,
(Sd.) N. R. NARASIMHACHAR,
Police Inspector,
27/28-10-42.

Exhibit P24 (*a*). Yes. They can be caused.

(Sd.) D. V. SUBBA RAO,
Sub-Assistant Surgeon,
28-10-42

Exhibit P 25.

Accident Register.

Exhibit P. 25 (*a*).

Entry.

1.	Sl. No.	162.
2.	Date and time of the examination of the patient.	6-20 P.M., 29th September 1942.
3.	Name of the patient.	Gurusanthappa.
4.	Age	26 years
5.	Caste	Hindu.
6.	Sex	Male.
7.	Address (permanent or local.)	C/o Erappa (Uncle) Raiyat, Isoor, Shikarpur Taluk.
8.	Identification marks.	A raised black mole with a hair in the right hypochondrium of the size of a split pea.
9.	By whom brought	Himself.
10.	History of the accident or injury.	Said to have been shot with a gun (ಕೋವಿ) yesterday (28th September 1942) at about 11 A.M. at Isoor, Shikarpur Taluk, by somebody, whom he does not know.
11.	Description of wounds or injuries.	(1) A circular punctured wound with a diameter of about $\frac{1}{8}''$, edges inverted, situated just below the labule of the right ear, can be probed to about $\frac{3}{4}''$. The wound is charred. (2) A circular punctured wound with a diameter of about $\frac{1}{3}''$ situated immediately below the right malar eminence. The edges are everted. Probe can be passed to a distance of about 1″. (3) There is peritonsillar induration on the right side. On incision, a little thick blood came out.

12.	Treatment given	*Treatment.*—Wounds cleaned and antiseptic dressing applied. A. T. S. given. Solusepticine injection given. Patient admitted.
13.	Remarks as to the probable period required for healing, etc.	

(Sd.) D. V. SUBBA RAO,
Sub-Assistant Surgeon,
29-9-42.

Exhibit P 25 (*b*).

1.	Sl. No.	161.
2.	Date and time of the examination of the patient.	6 P.M., 29th September 1942.
3.	Name of the patient.	Phaniappachary.
4.	Age	40 years.
5.	Caste	Hindu.
6.	Sex	Male.
7.	Address (permanent or local.	C/o Self. Goldsmith, Isoor, Shikarpur Taluk.
8.	Identification marks.	(1) A small scar in the right hypochondrium. (2) Small-pox marks on face and body.
9.	By whom brought	Himself.
10.	History of the accident or injury.	Said to have been shot with a gun (ತೂಬ್ಕಿ) yesterday (28th September 1942) at about 11 A.M. at Isoor, Shikarpur Taluk, by somebody. Whom he does not know.
11.	Description of wounds or injuries.	(1) A circular punctured wound with a diameter of about $\frac{1}{8}''$, edges inverted, situated 1" about the insertion of the right deltoid muscles. Probe can be passed to a depth of about 1". The wound is charred. (2) A circular punctured wound with a diameter of about $\frac{1}{3}''$, edges everted, situated 1" above and slightly behind the posterior right axillary fold. Probe can be passed to a distance of about $\frac{3}{4}''$.
12.	Treatment given	*Treatment.*—Wounds cleaned and antiseptic dressing applied. A. T. S. given. Solusepticine injection given. Patient admitted.
13.	Remarks as to the probable period required for healing, etc.	... .

(Sd). D. V. SUBBA RAO,
Sub-Assistant Surgeon,
29-9-42.

Exhibit P26.

S. B. 10—42-43. S. B. for 24-8-42 of Shikarpur Kasba Station.

In the morning the group of boys headed by Jagannath and other school students went round the town with national flag and Gandhi photo crying the usual slogans. One old woman of local Pandit Krishnappa's house also followed the boys. Primary school boys also joined the movement to-day. There were no adult members except the local students. Halappa and Sivanna and one private gentleman Vasappagogi.

At about 11 A.M., the students Lingappa, Revannappa, Babanna, Ravanappa, Papanna, Hutchappa and Sivanna proceeded towards Isoor P. C. 237 was deputed to watch and report the activities of this batch. He reported that the group

marched in the street of Chikkajogihalli and the boys of that village middle school also joined them. Then they all proceeded to Isoor and went round the streets by taking the Gandhi photo and national flag from the house of Surappachari of Isoor village and assembled at the temple of Veerabhadraswami and got the leaders, Sahukar Basavannappa, Angadi Halappa, Surappachari, Ramappa, Phaniappachari, Weaver Sankrappa and made Basavanyappa as the President and Lingappa, Papanna, Babanna, Revanappa, Venkata Rao addressed the gathering stating that they are groaning under the British rule. They have to unite and make India free and till then they must not leave this non-co-operation movement and strike of the schools and colleges. That they should not fear the officers, even the Police officers. That their leaders Gandhiji and others have been arrested for no fault of theirs. *That they should not pay land revenue to the Government.* Reserve Police have opened fire at Davangere and Bangalore. Rails have been removed and telegraph wires have been cut. Government have not given room for the dissemination of the same. Jagannath and Chandrasekhar have left this place towards Shimoga. Kaginally people who had gone to Shiralkoppa returned back to-day and went to their village.

(Sd.) S. L. KENCHE GOWDA
Sub-Inspector
25-8-42

Exhibit P26 (a).

S. B. Report for 27-8-42 of Shikarpur Kasba Station.

Submitted

Beg to report that this morning also there was the usual "ಪ್ರಭಾತ್ ಭೇರಿ" round the town. Girimaji Rao and Gurushantappa are halting here pressing the people to join the movement. Vasappagogi, Halappa, Girimaji Rao and the Shimoga High School students followed the same. Some of the local Kurubars were forced by Halappa to follow the procession. About 10 to 12 adults followed the procession.

One batch of students Chandrasekharappa, Veerabhadrappa. T. M. Rajappa, M. Gundappa, Murthappa, M. Basappa proceeded to Gama village. P. C. 237 was deputed to watch and report their movements. He reported that they visited Gama and finished their mid-day meal in the house of Borappa and then went to Jogihalli Middle School and with the students of that school went round the village with usual slogans and tried to convene a congress meeting. But it was in vain as nobody heeded to this calling. Then they proceeded to Isoor and collected people in the temple of Veerabhadraswami and addressed them to unite in their endeavour to achieve swaraj and to get their leaders who are in jail, released. They stressed that they should continue this movement till they released their leaders and till they get swaraj, that they should not obtain any licenses for getting the trees from the jungle as it belongs to none and it is the right of the people as a whole to enjoy the same without heeding either for police or revenue or forest authorities, that they should not treat them so hospitable whenever they visit their village to discharge their duties, that both Hindus and Musalmans have to join this movement and make it a complete successful one, that nobody *shall pay land revenue to Government,* that nobody should pay tax of any kind in the bazaar to the articles or to the vehicles going to that bazaar. Lastly they appealed to the people that they must come forward and co-operate in the movement. Those students halted at Isoor for the night. Sahukar Basavanyappa of Isoor presided over the meeting.

In the evening late in the night at 7-30 P.M. there was congress meeting in Shikarpur Town under the presidentship of Vasappagogi. There were about 90 adults and 20 school and other boys in the meeting. Hanagal Krishnappa and Kurubar Giddappa, Shimoga and Mysore College students, respectively, who belonged to this taluk spoke in the meeting. They appealed in general to the people to join the movement and assist the congressites in their attempt to achieve swaraj and to get the leaders released from jail. Gurushantappa, Girimaji and Hanumantharedy spoke next. They stated that the Government has declared congress as an unlawful assembly, that they are fighting to get swaraj and their leaders are in jails and to show their sympathy and to get them released from jails they must all co-operate and see that their aim is achieved. They also commented upon the

previous speakers that they are not fit to address the people as they are fit only to dress neatly with hat and neck-tie. That they have to improve and show the same tomorrow by lecturing in the meeting. Halappa retorted and there was some discussion on the point and both the parties expressed their apologies for having given room to such unhealthy points. Vasappagogi concluded the meeting by his speech, explained graphically the unfair part played by the British in the present war and attributed to them the quality of "ಕುತಂತ್ರ" and appealed to the people to come in large numbers for "ಪ್ರಭಾತ್‌ಭೇರಿ" on the morning of 28th August 1942. The meeting terminated with usual slogans at about 9 P.M. Copy of their speeches is enclosed for kind perusal.

(Sd.) S. L. KENCHE GOWDA,
Sub-Inspector.
28-8-42.

Exhibit P20 (a) (1).

About 90 men and 20 boys had assembled in the shandy maidan this evening at 7-30 for the congress meeting.

Sri Vasappagogi was the President. College students, Hangal Krishnappa and Kurubar Giddappa, in the course of their speech requested that all must join the movement by helping those who are in the present non-violent struggle.

Gurusanthappa of Shiralkoppa spoke as follows:—

The above students are not capable enough to deliver a lecture. They have not derived any benefit from the education they have had. As they have had a slavish education, they are not capable of speeking in an assembly. Of what avail is such education? We must have the education of the free. I have heard that a middle school will be opened in this village from to-morrow. If really a school is to be opened, the boys should not go to school. They must say that after attaining independence they would go in for the education of the free. But to-morrow no one should go to school. All the Indians should unite and unhesitatingly and heroically fight for independence. There is no use in merely going over here to listen to the lectures. From to-morrow all those that come, must come with white caps on. A sort of courage will be infused by putting on such caps. The Government have been proclaiming that such assemblies are groups of loafers and mischief mongers. This is an institution which strives to achieve independence. The repressive British have called such a lawful association as this an unlawful assembly. What a Government? Can we believe such a Government? Recently it is learnt that at Davangere a press correspondent posing as a private C. I. D. seems to have gone to an American lady who was in a second class compartment and craftily stole her jewels and camera. A congress volunteer came to know of this, traced the thief and sent back to her, her articles, money and camera. Then she seems to have offered about Rs. 500 for the congress funds and the congressites seem to have said that, if she so desired, she may send it by money order. The C. I. D. was seated on an ass with a garland of shoes (ಚೋಡಿನ ಸರ) and taken in procession. We find such C. I. Ds. Whatever that may be, let the non-violent movement thrive; with this he closed his speech.

Hanumantha Reddy of Kappanahalli said:

In Bhagavadgita Lord Sri Krishna has said that when injustice begins to prevail in the world he would come down to the world to establish justice. Now everything has begun to turn topsy turvy. None need be alarmed at any threats now. It is now the best opportunity for gaining independence. We have to make hay while the sun shines and we must now work hard and achieve independence. Help this institution as far as possible. Come forward—He closed his speech saying that Britishers are cheats.

S. Halappa, Shikarpur said:

This institution is fighting on behalf of you all. You must all help it. They call this an unlawful assembly. It is not so, This is an assembly gathered for the purpose of asking for independence. Ask Siddaramappa if there is anything wrong in this? Join the movement. Don't be afraid. Have I no home and hearth, I am fighting for independence. You also join us similarly. There is no need to be afraid of any officer. There are some here and are taking down notes. They report the important portions of the speech to the D. C. They only obey orders. Concluding his speech he said that one need not be afraid of such things.

Girimaji spoke about education and said:

In the History books that boys read there is a story that brings about enmity between Hindus and Muslims. Children should not be given such education.

What is really wanted is 'independent' education. Let us all fight for independence. Gurusanthappa is a rich man and **** (not clear) has not such a man come here? All of you should come.

The President then said:

Let us fight till we get independence. Let us bear patiently all that may happen. A new Government should be established. We must not be afraid of anything, never should we be afraid. To-morrow morning at 6-30 'Prabhat Beri' starts from Congress Bhavan and all of you should come. So saying he closed his speech at 9 P.M. Even at the close of the meeting there were as many people as there were at the beginning.

(Sd.) C. K. Lingappa,
P. D. 27-8-42.

Exhibit P 26(b).

S. B. 14—42-43. S. B. report of Shikarpur Kasaba Station, for 28-8-42.

This morning also there was "ಪ್ರಭಾತ್‌ಫೇರಿ" in Shikarpur as usual.

One batch of students left towards Gama and P. C. 237 had been deputed to watch their activities. He reported that they went to Chikkajogihalli and there collected the middle school students and went round the village with usual slogans. Then they proceeded to Isoor and collected congress fund about Rs. 22. From Isoor one batch went to Salur and another batch went to Churchugundi. He followed one botch that went to Churchugundi. At Churchugundi also they went round the village crying the usual slogans and attempted to convene a meeting. As none of the villagers co-operated, they returned to Gama and held a meeting under the presidentship of one Rajappa, the Shimoga High School student. N. Basappa, Theerthappa and M. Basappa addressed the gathering. They appealed to the people to join the movement and continue the same till the liberation of India from British rule and till the release of their leaders from the jails. They further stated that Mysore Government is also subordinate to the British Empire and that they have to strive hard and free Mysore also from British rule and the students have to continue picketting even in Mysore. They lastly appealed to the people to join the movement in great number. The meeting terminated at about 9 P.M. and the students went to the house of Basalingappa of Gama for meals and halted at Gama.

There was no any activities of congress in Shikarpur town in the evening or in the night. In the morning there was as usual "ಪ್ರಭಾತ್‌ಫೇರಿ" by small school boys.

(Sd.) S. L. Kenche Gowda,
Sub-Inspector of Police,
Shikarpur,
29-8-42.

Exhibit P26(c).

S. B. 26—42-43. S. B. report of Shikarpur Kasaba Station for 9-9-42.

This morning also there was usual "ಪ್ರಭಾತ್‌ಫೇರಿ" by the school boys headed by one Gurappa with usual slogans.

One Gurubasaviah, Patel of Isoor, reported that the boys and adults numbering about 150 to 200 are performing "ಪ್ರಭಾತ್‌ಫೇರಿ" every morning at Isoor and Sahukar Basavanyappa, Angadi Halappa, Ningoji are the leaders and they are preventing village watchmen not to attend to the village work and telling the people not to respect Government officials and that as a result of it two watchmen are not coming to the work, etc. The matter will be enquired into and the result reported. This individual is not a man of any principle. His father is looking after the Pateli work at Isoor and resides at Isoor. This Gurubasaviah is residing at Gama village.

Report of Patel of Gama was received to the effect that Vasappagogi and others had come to his village, and had a meeting under the presidentship of Gurubasaviah. Andoni Siddalingappa and others addressed in the meeting. They told the people not to pay land revenue and not to respect the Government officials and also asked the village watchmen not to attend to their work, etc. The above Gurubasaviah is himself a congressite. The matter will be enquired and the result reported.

(Sd.) S. L. Kenche Gowda,
Sub-Inspector,
10-9-42.

Exhibit P26(d).

S. B. 33—42-43. S. B. report of Shikarpur Kasaba Station, for 16-9-42.

There was usual "ಪ್ರಭಾತ್‌ಫೇರಿ" early in the morning by school boys and some other boys headed by one Gurappa and S. R. Puttappa. They have adopted to perform it before the dawn of the day with a view to get some other boys by compulsion from their beds in their respective pials.

Patel of Gama presented a report to the effect that there was congress meeting under the Presidentship of Siddalingappa and Nirvani Halappa, Sankarappa and Sahukar Basavanyappa of Isoor and ಕೂಗಟಿ Haliadevappa, Gurubasaviah addressed *the people and told them not to pay land revenue, not to respect Government servants* and they also further added that they must snatch the account books of the village headmen and Shanbhogs *and that they have to burn* them. It is reported in person by the Patel of Gama that Andani Siddalingappa of Gama and Sahukar Basavanyappa of Isoor are at the root of these meetings and they also use very indecent languages towards village officials and Government servants in their speeches to the villagers. These two congressites are ascertained to be very headlong in their activities.

(Sd.) S. L. KENCHE GOWDA,
Sub-Inspector of Police,
Shikarpur,
17-9-42.

Exhibit 26(e).

S. B. Report for 25th September 1942 of Shikarpur Kasaba Station.

S. B. 39—42-43.

There is usual ಪ್ರಭಾತ್‌ಫೇರಿ early in the morning every day. One Gurappa is taking the leading part in it.

The injury done to the culvert at 25th mile stone near Harogoppa is suspected to have been done by the leaders of Gama and Isoor (congressites). Annadani Siddalingappa, Kugati Mahadevappa, and Gurubasaviah of Gama, and Sahukar Basavanyappa, Nirvani Halappa and Devangada Sankrappa are responsible for this kind of attrocities. *It is also learnt that they are giving trouble to the Musalmans of those places in their prayer, etc., for not having joined hands with them.* In my opinion I think it is not advisable to leave them at large as it might lead to further attrocities and unseen consequences. It is time to round them up.

This morning I learnt that injury has been done to a bridge near Baloor. Immediately I proceeded to the spot. It is fairly a big bridge. It has been cut in the middle of the arch. It has been made useless for any kind of traffic. Assistant Engineer had also came with me. The branches of the road side trees were cut and put across the road on either sides of the bridge to prevent accidents. It is learnt that the lorry owned by the local Mahasathi Mandi bearing No. Mys. A 2999 passed in that road after mid-night and arrived in Shikarpur at about 3 A.M. on the same night. Revanappa, the Proprietor and Shantappa, the brother of Vasappagogi, a co-worker in the above said Mandi are very much attached to Vasappagogi, a congressite who is in detention. The driver Nagappa who is working in that lorry is related to Annadani Siddalingappa of Gama who is a staunch congressite. To have any kind of check over these sabotage, it is very necessary that *the permit of the above said lorry is to be cancelled* as it is strongly suspected that these people are aiding and even committing the breaking of the bridges. About the driver a separate report will be submitted after securing and enquiring him.

The big bridge damaged is at the 10th mile from *Honnali-Shikarpur Road* and they have also damaged one culvert about five *furlongs away from this bridge.* They have removed three stone *slabs.*

P. C. 237 reported that a notice had been pasted to the Middle School wall giving caution to the teachers. The notice is enclosed for kind perusal.

(Sd.) S. L. KENCHE GOWDA,
Sub-Inspector of Police,
Shikarpur,
26-9-42.

Exhibit P26 (e) (1).

Notice, dated 24th September 1942.

The teachers and the school authorities are hereby informed:

The schools opens to-day. All the boys should unanimously strike work, etc. If during strike any officer should cause disturbance to any student, the very existence of the school and the staff of the school will be at stake.

Beware! Beware!! Beware!!!

"*Servant of the country.*"

Exhibit P27.

I. 1 C. R. 18—42-43.

Submitted—

Beg to submit herewith the undermentioned articles in Crime No. 18—42-43, under Sections 148, 149, 332, 333 and 302, I. P. C. of Shikarpur Kasaba Range through Police Constable No. 340 Siddappa of this Range. I beg to request that the same may kindly be transmitted to the Chemical Examiner in Mysore, Bangalore, for analysis and the issue of a certificate as to whether they contain mammalian blood.

The history of the case, list of articles, and sample seals are hereto enclosed.

1. One bundle having six seals containing 11 clothes.
2. One wooden pole having four seals.
3. One bamboo club with three seals.

Camp—Esoor village,
2nd October 1942.

(Sd.) N. R. NARASIMHACHAR,
Inspector of Police,
Shikarpur Taluk.

Exhibit P28.

MYSORE POLICE DEPARTMENT.

From

The District Superintendent of Police,
Shimoga District,
Shimoga.

To

The Chemical Examiner to the Government of Mysore,
Bangalore.

I. C. No. 182—42-43, dated 3rd October 1942.

Sir,

In forwarding herewith through Police Constable No. 340 K. Siddappa, the undermentioned articles received with the enclosed report No. 1, Cr. No. 18—42-43, dated 2nd October 1942, from the Inspector of Police, Shikarpur Taluk, connected with Crime No. 18—42-43 of Shikarpur Kasaba Range under Sections 148, 149, 332, 333 and 302, I. P. C., I have the honour to request that the articles may kindly be examined and a certificate granted whether they contain mammalian blood.

The history of the case and the list of articles sent are also enclosed along with two sample seals.

This letter in original along with the enclosures may kindly be returned with the certificate.

1. One bundle said to contain 11 clothes.
2. One wooden pole.
3. One bamboo club.

I have the honour to be
Sir,
Your most obedient servant,
(Sd.) Not clear,
In-charge Superintendent of Police,
Shimoga District.

Exhibit P29.

OFFICE OF THE CHEMICAL EXAMINER TO THE GOVERNMENT OF MYSORE.

No. 267—182, Bangalore, dated 7th October 1942.

Encl. One file of papers.
Seal.

From

The Chemical Examiner
to the Government of Mysore, Bangalore.

To

The Superintendent of Police,
Shimoga District.

Reference: Your letter No. Ic. 182, dated 3rd October 1942.

SIR,

I have the honour to acknowledge the receipt of the articles referred to in the above and to state that the seals corresponded with the sample sent and the descriptions tallied.

The undermentioned articles were duly examined with the following result

I. A cloth packet contained—
(1) a dirty white knicker
(2) a torn net Banian;
(3) a black spotted net-banian;
(4) a red striped knicker;
(5) a khaki trousers;
(6) a torn banian;
(7) a white knicker;
(8) a torn banian;
(9) a white banian;
(10) a torn banian with red stripes;
(11) a red striped banian.
} Detected mammalian blood in each one of them.

II. A wooden pole.
III. A bamboo stick. ..... Mammalian blood not detected.

(Sd.) x x x
Chemical Examiner to the Government of Mysore.

P.S.—N. B. If any of the examined articles are required, they may be sent for within 10 days' time from the date of reporting the result of examination, otherwise the articles will be destroyed.

Exhibit P29 (*a*).

Encl. 4 and 2 seals

[Forwarded to the Police Inspector, Shikarpur Taluk, for information. The articles may be got back from the Chemical Examiner's Office by sending a P. C.]

(Sd.) S. C. x x x
District Superintendent of Police,
Shimoga District,
11-10-42.

Exhibit P30.

Submitted:—

History of the case in Crime No. 18—42-43 of Shikarpur Kasaba Range under Sections 148, 149, 332, 333 and 302, Indian Penal Code.

In this case when the Amildar, Police Inspector, Sub-Inspector of Police, Revenue Inspector, Daffedar and three Police Constables of Shikarpur had gone to Isoor village on duty on the morning of 28th September 1942, they were severely and brutally assaulted with clubs by the villagers of Isoor village. The Amildar and Sub-Inspector of Police died at the spot as a result of the multiple injuries sustained by them. The others were later rescued by the neighbouring villagers. At the time of the assault the villagers stripped the officers and men to their dress excepting the articles (Sl. Nos. 1 to 11) herewith sent. The clothes were seized by the Police after the post-mortem of the deceased and from the persons of the injured after treatment in the Shikarpur L. F. Dispensary.

During the course of the investigation article (Item No. 12) was seized by the Police as it was reported that the pole was used for tieing the officers and men in the village on the day of occurrence and since there are blood stains.

Item No. 13 was seized since it was blood-stained and as it is reported that clubs were used on the date of occurrence for assaulting the officers and men. 5

(Sd.) N. R. NARASIMHACHAR,
Police Inspector,
2-10-42.

Exhibit P31.

C. C. No. 1 OF 1942-43. 10

List of articles sent to the Chemical Examiner in Mysore, Bangalore, in Crime No. 18—1942-43 of Shikarpur Kasaba Range.

One cloth bundle bearing six seals, and that contains the following clothes 1 to 11 :—

1. One white knicker, old and blood-stained. 15
2. One white net banian, blood-stained.
3. One white net banian with black spots and blood-stained.
4. One white knicker with faint red lines blood-stained.
5. Khaki trousers blood-stained.
6. White net banian blood-stained. 20
7. One white knicker blood-stained.
8. One white net banian blood-stained.
9. One white banian, cut and blood-stained.
10. Half-arm banian with light red lines and blood-stained—it is cut.
11. Banian with light red lines, blood-stained and cut. 25
12. One forked piece of wood tied in cloth and sealed in four places.
13. One bamboo stick with a cloth tied round and sealed in three places.

Note.—All the articles may be returned.

(Sd.) N. R. NARASIMHACHAR,
Police Inspector, 30
2-10-42.

Exhibit P32 and 32(a).

Sample Seals.

Exhibit P33.

C. C. No. 1—1942-43. 35

S. B. Report, dated 24th August 1942, 2-30 p.m. to 5 p.m.

Submitted—

As previously arranged, the Congress leaders, mentioned in yesterday's report, started at 8 A.M. in 'Prabhat Feri' with flags and a photo of Gandhi and an old lady living in Pandit Krishna Rao's house also went with the 'Prabhat Feri'. At 40 about 11 o'clock, Babanna, Lingappa, Revanappa and Papanna, students of Shimoga, and College student Lingappa, resident of Isoor, and Hutchappa and Sivanna, students of Shikarpur Middle School,—all these went at 1-15 to Chikjogihalli when the school was going on. There they shouted slogans: Contempt to British Government". "Gandhiki Jai"—'Unity at all costs' and caused disturbance. 45 The boys never paid heed to the advice of the teachers. They told the students not to attend school till independence was won and led them to Isoor. There they took the Congress flags and a photo of 50 Gandhi which were in Akkasale Soorappachari's house and went round the village in 'Prabhat Feri'. They then assembled in the Veerabhadra Temple, sent for the village leaders and the marginally noted persons 55 and chose Basavannappa, younger brother of the Sowcar of the place as the President. Lingappa, Papanna, Babanna, Revanappa, and B. Venkoba Rao in the course of their speeches, said :

1. Isoor Sowcar Basavannapp
2. Angadi Halappa
3. Soorappachari.
4. Ramappachari.
5. Paniappachari.
6. Devangada Shankarappa.
7. Lingappa (Student).
8. Revanappa
9. Lingappa
10. B. Venkoba Rao
11. Paniyappa
12. Babanna

} Shimoga High School.

13. Huchappa
14. Sivanna

} Shikarpur Middle School.

We, Indians are slaves in the repressive Government of Britishers. Until we unite and free India we should not give up this strike. The Primary and Middle School students of this place should do likewise. No help should be rendered to officials, officers and police if they go there. Don't pay kandaya. They have unjustly arrested Gandhiji and other committee members at the meeting held recently at Bombay. Hence, until they are released and win freedom the strike should not be called off. The Reserve Police shot and killed people at Bangalore and Davangere. To prevent this news from spreading the Government have removed rails and telegraph wires, etc.

(Sd.) Y. Suryanarayana Rao,
Police Constable,
25-7-32.

File.
(Id.) S. L. K.,
S. I.
25-8-42.

Exhibit P33 (a).

C. C. No. 1 of 1942-43.

S. B. Report, dated 27th August 1942.

Submitted.—

This morning at the appointed time I was on town duty. At 8 A.M. congress leaders Vasappa Gogi, Revanappa, Girimaji Rao and students of High School and Colleges who have come from Shimoga went in 'Prabhat Feri' with flags and Gandhi's photo. They went through the bazaar and Haliyur road shouting slogans (Gandhiki Jai) 'Contempt to British Government', 'Officers resign'. They returned at 9-30 and stopped in front of Durgada Gurusanthappa's house, Representative Assembly Member for Siralkoppa in the peta which is considered as the Congress Bhavan. All the people were told that they should go in 'Prabhat Feri' every day just as they had done that day. Then the people were asked to disperse.

At 10-30, Mattikote Poojari Veerabasappa, High School student, took the other Shimoga students to Gama; there they dined at student Basappa's house, went to Chikjogihalli and joined Isoor students Revanappa, Lingappa and with their help collected the students of the Chikjogihalli Middle School and there conducted 'Prabhat Feri' with flag and photo, arranged for a meeting in Basavanna temple and sent for the villagers. No one turned up. There they took tiffin and coffee in Halappa's house which is adjacent to the temple and went to Isoor. There also they assembled in the Veerabhadra temple and called for the leaders Sahukar Basavannappa, Angadi Halappa, Soorappachari, Ramappachari, Paniappachari, Devangada Sankarappa, called out 'Gandhiki Jai' and 'Vande Mataram'. They told them that they had gone there to hold a meeting, made Basavannappa the President and the undermentioned students delivered speeches as follows:—

(1) T. M. Rajappa, (2) N. Basappa, (3) Chendrasekarappa, (4) Thirthappa, (5) M. Basappa, (6) Veerabasappa. This is our Hindustan. To this Hindustan, they have come just as red faced monkeys jump from tree to tree, they have come to our land for trade and having occupied our country reduced us to slavery. To get rid of this slavery we Hindus and Muslims must stand united. We are 40 crores of people in Hindustan. In the recent All-India Congress Committee Meeting at Bombay, the British have arrested and imprisoned the 75 year-old Mahatma Gandhi, who is like a God to us. In addition they have also imprisoned the Congress leaders. We are not going to schools until they are released and independence is won. We also advise the boys assembled here to do likewise. We believe that the Hindus and Muslims here in this village will alike support the congress. Don't pay kandayam to Government. If the Government should demand, you ask in reply as to why our lands and houses should be taxed. Tax at the shandy and tax for the carts—why should you pay such taxes. Say that you will not pay them. If you cut firewood in the forest, for that too you pay license fee. Is it not our forest? Why should we take license for that also? Let all of you in the village join in a body, go to the forest and cut the trees for fuel. If the Amildar and Police should come, no attention need be paid nor need you talk to them. There is an end of the matter. They have halted at Isoor this night.

(Sd.) Y. Suryanarayana Rao,
Police Constable, 237.
28-8-42.

File.
(Id.) S. L. K.,
S. I.,
28-8-42.

Exhibit P33(b).

C. C. No. 1—1942-43.

S. B. Report, dated 28-8-1942.

Submitted—

As directed I went to Isoor with congress boys. Between 9—10 A.M., the villagers and students of Chikjogihalli went with congress flags and photo shouting the slogans 'Gandhiki Jai', 'Contempt to British Government', 'Officers resign', and at 10 A.M. they sat in Isoor Sahukar Basavannappa's house and arranged to collect congress funds. The marginally noted persons paid as noted herein. At 1 o'clock they took their food in the Sahukar's house, and divided themselves into two batches and boys numbering 1 to 4 and Basanna went to Churchugundi. The second batch from 5 to 8 and Sowcar Basavannappa, Devangada Sankarappa and Paniyappachari went to Saloor at about 1-30 P.M.

High School Students.

T. M. Rajappa.
N. Basappa.
Thirthappa.
M. Basappa.
Chandrasekarappa.
Veerabasappa,
Revanappa.
Lingappa.
Boranna.

Isoor People.

		Rs.	a.	p.
1.	Patel Mahadevappa ...	5	0	0
2.	Sahukar Basavalingappa	10	0	0
3.	Manavalli Sivappa ...	1	0	0
4.	Angadi Halappa ...	1	0	0
5.	Soorappachari ...	1	0	0
6.	Paniappachari ...	1	0	0
7.	Reddi Basavannappa ...	1	0	0
8.	Devangada Sankarappa ...	2	0	0

The names of others who paid are not known.

I went to Churchugundi with the aforesaid boys. At 2-30 P.M. the said boys went to Salur Sangappa's house the resident of the place and there with 4-5 boys went with flags in 'Prabhat Feri' and arranged for a meeting in the temple. As the boys were told that there were no one in the village and that no meeting should be held there the boys returned at 6 P.M. to Gama from there they went to Andani Siddalingappa's house and from there went in 'Prabhat Feri' with flag and photo, held a meeting between 8 and 9 under the Presidentship of T. M. Rajappa.

Speeches of N. Basappa, Thirthappa, M. Basappa are—

Gentlemen and Students—

During these past 8—10 days you have heard how the All-India students and the congress leaders have made speeches every day at Shikarpur and the surrounding villages about India. All of us should not give up the strike until Gandhiji and all the leaders are released and independence is won. The Britishers and those who are oppressing us should be driven out of India. Moreover, even our Mysore Government is slavishly obeying the British commands. Even they must be freed from this slavery by means of picketings carried on by students. The speeches were then over and all went to Basalingiah's house for supper.

(Sd.) Y. Suryanarayana Rao,
P. C. 237.

1. Gurubasaviah
2. Siddalingappa
3. Chendappa
4. Basalingiah

Residents of Gama and some 20—25 students had gathered in the Hanumantha temple.

(Sd.) Y. Suryanarayana Rao,
P. C. 237.
29-8-42.

Exhibits P34 to P39.

PHOTOS.

Exhibits P.34(a) to P.39(a)

Negatives of P.34 to P39.

Exhibit P40.

C. C. No. 1—1942-43.

To

The Patel of Hittalu Village, Shikarpur Taluk.

Petition dated 6-10-1942 of Devangada Haleyappa of Hittalu.

This being my usual day of worship at about 6 o'clock (not clear) in the evening I took out the idol for worship from the niche in my house and while doing so I found a cloth bundle there. I untied it and saw one gold ring, one wrist watch with chain, one whistle and a barrel of a fountain pen. These were the things I found there. I asked my wife Savamma how they happened to be there. She told me that on a Wednesday, 6 days ago, Gowda Sankarappa of our caste, residing at Isoor had gone to our house, had given her that bundle for safe custody and that she had kept it in that niche. As there was information that on the Monday previous to that, Isoor villagers had beaten and killed Government servants, I felt alarmed at this and suspecting that these might be their articles, I have produced all these articles including the cloth in which they were tied, before you.

(Sd.) Haliyappa.

Exhibit P40 (a).

To

The Police Inspector of Shikarpur, 6th October 1942. Report of the Patel of Hittal Village of Channel Hobli.

I have produced the articles mentioned in the above petition, *i.e.*, the said articles tied in a piece of cloth of a red sadi along with the petitioner before you.

Received at 8-30 P.M.

(Sd.) Not clear.
Police Inspector,
6-10-42.

(Sd.) H. Erabhadrappa,
Patel.

Exhibit P41.

C. C. No. 1—1942-43.

P. C. 160 Thimmiah of this O. P. is directed to proceed and to trace accused Channabasappa concerned in Honnali Station Crime No. 18—42-43 U.—S. 379, I. P. C.

(Sd.) M. Seshadri Iyengar,
* * *
20-9-42.

Report of P. C. 160 Thimmiah,
24-9-42.

I went with permission on 20-9-42, and on 21-9-42. Having left with permission on 20-9-42, I went to Shimoga on 21-9-42 for tracing the accused and gave the warrant to court. On enquiring about the accused, I did not get any information. * * At Sowlanga it was learnt on enquiry that he has gone to Harokoppa. On enquiry at Harokoppa, I learnt that he had left for Churchugundi. On 23rd September 1942, I enquired at Churchugundi, Hittal and other villages and nothing was learnt. I stopped at Isoor and enquired in the other village * * * * not clear. The accused has not been traced.

Received,
24-9-42.

(Sd.) Thimmiah.
24-9-42.

(Sd.) M. Seshadri Iyengar,
File. * * *

Received from S. I. Rajanna Setti this day.
* * * 22-10-42.

Exhibit P42.

Attendance Register of G. P. School,
Isoor (from 1-3-1941).

Exhibit P43.

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

R. C. No. 130—42-43—2.

From	To
The Lineman, Telegraph Department, Nyamati.	The Police Inspector, Shikarpur, S. M. O.

No. .... Shikarpur S.M.O., dated the 17-9-1942.

SIR,

I have the honour to inform you that on my examination the telegraph line between Saulanga and Shikarpur, I find the telegram line cut at miles 26, 28 and 29 and line wire partly removed and at miles 31 wire cut. The exact loss of line wire will be intimated after rectifying the line. Necessary investigation may kindly be taken to find out the lost wire and result may kindly be communicated to me.

I have the honour to be,
Sir,
Your most obedient servant.

(Sd.) In Tamil.
Telegraph Lineman, Nyamati.

Exhibit P44.

C. C. No. 1—1942-43

To

The Head Police Officer, Shikarpur.

Report, dated 16-9-42 by the Patel of Gama.

On the evening of 15-9-42, under the Presidentship of Andani Sidlingappa of our village, Nirvani Halappa, Devangada Shankarappa, Sahukar Channabasavannappa of Isoor, and Kugati Mahadevappa and Gurubasaviah of our village—all these residents of Isoor gathered all the people and said: "Do not pay kandaya. Government servants are our servants. The Government is living on the kandayam that we pay. If the payment of kandayam is stopped Swaraj is won. The Thoti, Talwar, Shanbhogue and Patel form the foundation of Government. They should be kept in check. The payment of 'Aya', etc., to Thoti and Talwar should be stopped, and at an opportune moment the records of the Shanbhogue and Patel may be seized and burnt. As they feed on our salt and domineer over us, they should not be given any convenience when they go to any village and they must be treated with scant courtesy". They also use very abusive language and have provoked the people. I have reported the facts.

Received 16-9-42.
File S. B.
(Ind.) S. L. K.

(Sd.) Doddabasaviah,
Patel.

File
S.L.K., S.I., Isoor,
17-9-42.

Exhibit P45.

MYSORE MEDICAL DEPARTMENT.

SURGICAL PAVILION WARD.

Case Sheet—Surgical. Case No. 852.

Name—Venkatapathi.
Age—28.
Race or Caste—H.M.P.
Address { Permanent—care of Self, P.C. No. 319. Local—Shikarpur.

Occupation—P.C. No. 319.
Admitted—29-9-42—5-30 P.M.
Discharged on 1-11-42.
Diagnosis—Multiple Injuries.

Complaint—Multiple injuries. Duration—1 day.

History of present illness—

The patient says that on 28-9-42 at about 11-30 A.M., he was assaulted by a mob with lathis and bamboo sticks in Isoor village of Shikarpur Taluk and sustained multiple injuries on his person. As a result he fell down unconscious and he was brought to the Shikarpur Local Fund Dispensary and treated. Further he was brought in an ambulance car on 29-9-42 at 5-30 P.M. to this Hospital for further observation and treatment.

Physical signs and conditions on admission—

The patient is an young adult aged about 28 years, well built to his age; and his general condition is good. Alimentary and Circulatory systems are normal. Respiratory system—Moist rolls at the basis of both the lungs heard on auscultation.

Injuries—Copy of *vide* Accident Register, Shikarpur.

Pathological Report—

Urine Examination:—Sugar—Nil. Albumin—Nil. Reaction—acids.

Progress and Treatment—

29-9-42 .... Clean and Antiseptic dressigns.
Ice Cap to the head.
Cold pack to the back and left shoulder.
Soluse ptasim 5 c.c.
Vesper .... Morphia ¼ gr.

30-9-42 .... Rpt. dressings to the scalp.
Mist Sti expt.
M & B Tablets Two.
Turpentine friction to the chest and back c lint covered.
S.W. enema.
1-10-42 .... Mist Diaph.
M & B 1 gr. in 3 c.c. I.M. Inj.
M & B Tablets two.
Rpt. dressings and cold pack.
2-10-42 .... Rpt. all.
3-10-42 .... Mist. Sto. expct.
Rpt. all the rest.
4-10-42 .... Rpt. all.
5-10 to 11-10-42 Rpt. all.
12-10-42 .... Mist Camni Pt. Bromide.
13-10-42 .... Mist Shi expet.
14-10 to 31-10-42 Rpt. Mist and Dressing.
1-11-42 .... Rpt.
Discharged at 3 P.M. on 1-11-42

(Sd.) N. R. RAO,
Sub-Assistant Surgeon.

Venkatapathy, son of Krishna Jetty, aged 35 years, Jetty Caste, P. C. No. 319 of Shikarpur Police Station said to to have been assualted at Isoor by the people of Isoor on 28-9-42 and brought to the Dispensary by Churchugundi Kadappa and one Md. at about 9-30 P.M. on 28-9-1942. He was attended to at 11-15 P.M. on 28-9-1942.

Identification marks.—(1) A tiny dark mole situated on the front of the right shoulder. (2) A vertical scar 1″ × 1/10″ on the Volar and upper aspect of the left arm.

COPY.

Injuries.—A lacerated wound triangular in shape 1″ × ¾″ × ¼″ deep situated on the middle and a little above the left eye brow. (2) A contusion of the left upper lid. (3) An incised wound 1½″ × ¾″ × ⅓″ situated on the upper part of the left parietal bone. (4) An incised wound 1″ × ⅛″ × ⅛″ situated on the middle of the top of the forehead. (5) An incised wound 1¼″ × ¼″ × ⅛″ situated on the left parietal eminence with the surrounding tissues contused. (6) Half an inch behind injury No. (5) is a lacerated wound ½″ × ¼″ × ⅛″. (7) An incised wound 2″ × ¼″ × ¼″ situated obliquely over the occipital bone 1″ behind the vertex. (8) An incised wound 1½″ × ¼″ and scalp deep situated on the top of the head over the right parietal eminence. The surround tissues are contused. (9) A diffuse contusion situated over the left deltoid region, left scapula the left shoulder with an abrasion of the size of a nail head over the shoulder. (10) A diffuse contusion 3″ × 2″ situated on the front of the left shoulder. (11) A stripe-like contusion 4″ × 1½″ situated on the back of the left side at its lower part. (12) A stripe like contusion 3″ × 1″ situated on the back of the right side on its middle part. (13) A stripe-like contusion 4″ × 1½″ situated on the top of the right scapula. (14) A stripe-like diffuse contusion 4″ × 2″ situated on the left hip joint. (15) A pair of stripe-like contusions 4″ × ½″ situated ½″ apart on the right buttock. (16) A diffuse contusion 4″ × 5″ situated over the cardiac region. (17) A ligature mark ⅛″ wide around the middle of the left thumb. (18) Fine small abrasions on the dorsum of the left hand situated at intervals. (19) A diffuse contusion 2½″ × 2½″ on the middle of the left palm.

Treat:—Cleaned and dressed
Morphia and ate
A.T. seen 3000 units.

(Id.) B. H. C.

Exhibit P46.

MYSORE MEDICAL DEPARTMENT.

SURGICAL PAVILION WARD.

Case No. 852.

Case Sheet—Surgical.
Name—Abdul Sathar.
Age—45.
Race or Caste—M.M.P.
Address { Permanent—care of Self, Police Daffedar. Local—Shikarpur
Complaint—Multiple Injuries.

Occupation—Police Daffedar.
Admitted—29-9-1942—5-30 P.M.
Discharged—On 1-11-42.
Diagnosis—Multiple injuries.

Duration—1 day

History of present illness—

The patient says that on 28-9-1942 at about 11-30 A.M. he was assaulted by a mob with bamboo sticks and sustained multiple injuries on his person and he fell down unconscious in Isoor village of Shikarpur Taluk. Then he was treated at Shikarpur Local Fund Dispensary, and he was brought in an ambulance car to this Hospital for further observation and treatment.

Physical signs and conditions on admission—

The patient is an adult aged about 45 years; well built to his age, not anaemic and his general condition is good.

Alimentary system—Normal.

Circulatory System—Pulse rapid; volume and tension good.

Respiratory system—Rolls heard at both the bases.
Injuries—Copy of *vide* Accident Register, Shikarpu..

Pathological Report—
Urine Examination—Sugar nil. Albumin Nil. Reaction acids.

Progress and Treatment—

29-9-42	Clean and Anteseptic dressings.
	Cold pack to the left arm and back.
	Soluse ptasin 5 C.C. I.M.inj.
	Ice Cap to the head.
Vesper	Morphia ¼ gr.
30-9-42	Mist Diaph.
	Trscilla.
	M & B Tablets Two and Ds.
	Turpentine friction to the back and chest covered c lint.
	S.W. enema (st).
1-10-42	Mist Cami.
	Col pack to the left shoulder.
	Rpt. antiseptic dressings.
	M & B 693 Tablets two Tds.
	M & B 1 gm. in 3 C.C. I.M. inj.
	Turpentine friction covered c lint to chest and back.
2-10-42	Rpt. all.
3-10-42	Rpt. all.
4-10-42 to 9-10-42	Rpt. all.
20-10-42	Mist. Srd Salicylen
21-10-42 to 31-10-42	Rgn and dressings.
1-11-42	Rpt.
	Discharged at 3 P.M. on 1-11-42.

(Sd.) N. R. RAO,
Sub-Assistant Surgeon.

S. M. Abdul Sathar (son of Mahomed Hussain), aged 46 years, Police Daffedar, Shikarpur, said to have been assaulted at Isoor on 28th September 1942 at about 12 NOON and brought to the Dispensary at 9-30 P.M. on 28th September 1942 by Churchugundi Kadappa and Md. Zaffar and was attended to at 12-30 P.M. midnight on 28th September 1942. Identification marks :—A small raised mole on the right side of the nose (ii) A circular scar on the inner surface of the middle of the left arm.

COPY.

(1) An incised wound 1″ × ¾″ and scalp deep situated above the outer end of the left eye brow. Blood is sticking around and is contused 1″ around. (2) A lacerated wound ½″ × ½″ × ⅛″ over the centre of the vertex. (3) A contusion 2″ × 2″ situated on the head 2″ above the right ear and slightly elevated multiple abrasions over it. (4) A stripe-like contusion 4″ × 1″ situated across the middle of the left arm on its outer and front side. (5) A ligature mark running around the left forearm immediately above the wrist with blebs and abrasions here and there. It is ⅓″ wide. (6) A contusion on the left arm at its back part immediately above the elbow-joint. It is 3″ × 2″. (7) Diffuse contusion 5″ × 4″ over the left shoulder. (8) Diffuse contusion 5″ × 3″ on the outer aspect of the left arm. (9) Diffuse contusion over the left scapular region. (10) Stripe-like contusion 3″ × 1″ situated on the left side of the chest below the axilla with pinkish margin. (11) Another stripe-like contusion 5″ × 1″ situated across the left side of the chest about the level of the 7th and 8th ribs. (12) Stripe-like contusion just below the lower angle of the left scapula. It is 3″ × 1″. (13) Stripe-like contusion 5″ × 1½″ situated obliquely across the middle of the back. (14) Four more contusions over the right side of the back of different shapes and dimension. (15) There is contusion of the left thumb. (16) Simple fracture of the middle of the 1st phalanx of the right Index finger. (17) There is a dark blob over the dorsum of the proximal phalanx of the right index finger. (18) Punctured wound over the proximal knuckle of the middle

finger of the right hand. It is $\frac{1}{2}'' \times 1''$ and skin deep and is bleeding. (19) There is of the whole of dorsum of the right hand and all the fingers of the right hand. (20) There is an oblique stripe-like contusion $4'' \times 1''$ situated across the dorsum and outer border of the middle of the right forearm. (21) Diffuse contusion of the right deltoid and shoulder muscles. (22) Diffuse patch of contusion over the right scapular region. (23) Multiple abrasions on the right calf muscle area. (24) A stripe like contusion $3'' \times \frac{1}{2}''$ situated obliquely in front of the right thigh at its lower end. (25) An abrasion $1'' \times \frac{3}{4}''$ situated above the right patella. (26) On the innerside of the left thigh at its lower end is a contusion $2'' \times 1\frac{1}{2}''$ with vexicloo over it. (27) A diffuse contusion over the right gluteal region $5'' \times 4''$. (28) Diffuse contusion over the left buttock, $6'' \times 3''$. (29) Five stripe-like contusions varying in size from $5\frac{1}{2}'' \times 1''$ to $3\frac{1}{2}'' \times 1''$ situated on the front and outerside of the whole of the left thigh at intervals. On the lowest one there are some vesciles. (30) A ligature mark around the 1st phalanx of the left thumb. It is $\frac{1}{4}''$ wide. (31) A contused wound $\frac{3}{4}'' \times \frac{1}{2}''$ situated at the root of the left ring finger dorsally and is skin deep.

Treat :—Cleaned and dressed, M

A. T. seen 3,000 units. (Id.)

Exhibit P47.

MYSORE MEDICAL DEPARTMENT.

CASE SHEET—SURGICAL.

Surgical Ward.
Case No. 850

Name	....	M. Z. Sheriff.
Age	....	35
Race or Caste	....	M. M. P.
Address	Permanent	C/o Self, Police Inspector, Shikarpur.
	Local	
Occupation	....	Police Inspector.
Admitted	....	29-9-1942—5-30 P.M.
Discharged on	....	27-10-1942.
Diagnosis	....	Multiple injuries.
Result		

Complaint—Multiple injuries. Duration—One day.

History of present illness.—

The patient says that on 28th September 1942 he went to Isoor village, accompanied with the Amildar of Shikarpur, Police Sub-Inspector, Revenue Inspector and four constables and all of them were assaulted by a mob with lathies, clubs and bamboo sticks at about 12 NOON. He was taken in a bullock cart to Shikarpur at 11-30 P.M. and he was treated at Shikarpur Hospital for the multiple injuries sustained and on 29th September 1942 he was brought to this hospital in an ambulance car and admitted for further observation and treatment.

Physical signs and conditions on admission.—The patient is an young adult, aged about 35 years, well built to his age. Not anaemic and his general condition is good.

Alimentary system, circulatory and respiratory systems are all normal.

Injuries.—Copy of *vide* Accident Register, Shikarpur

Pathological Report.

Urine Examination :-

Sugar :—Nil.
Albumin :—Nil.
Reaction :—Acid.

Progress and Treatment :—

29-9-42.	Mist. Stimulous Oz. 1.
	Clean and Antiseptic dressings.
	Ice cap to the head.
	Cold pack to the back and left arm and shoulder.
	1 Solusceptasine inj. 5 c.c. I. Ac.

Vesper :—

30-9-42	Mist. Carmi Oz. 1.
	Clean and Dress.
	Cold pack to the left arm and shoulder.
	S.W. enema.
1-10-42	Repeat mist. and dressings.
	Vesper Dial Tablet one (H.S.)
2-10-42	Repeat both.
3-10-42	Repeat both.
4-10-42	Repeat both to 13-10-42. Repeat.
14-10-42	Tablet one.
15-10-42	Repeat mist. and dressings.
	Mixed infection I.c.c., I.M.
16-10-42	Repeat 27-10-42, repeat Mist. and dressing.

Discharged on, 27-10-1942.
(Sd.) N. R. Rao.

Mr. M. Zameeruddin Shrieff, son of Gulam Mohideen, Police Inspector, Shikarpur, aged 33 years, said to have been assaulted by the people of Isoor on 28th September 1942 at 12 NOON and brought to the dispensary by Churchugundi Kadappa and Md. Zaffar at about 9-30 P.M. on 28th September 1942. He was attended to at 1-30 A.M. on 28th September 1942.

Identification marks.—A horizontal scar $\frac{1}{2}''$ long, $\frac{1}{4}''$ *wide* at the root of the left thumb situated dorsally.

Copy.

Injuries.—(1) An incised wound $1\frac{1}{2}'' \times \frac{1}{2}''$ and scalp deep situated over the vertex in the region of the posterior fontonella. (2) An oblique incised wound $2'' \times \frac{1}{4}''$ and scalp deep about 1″ below injury No. 1. (3) An abrasion $1'' \times 1''$ situated over the right shoulder. (4) One stripe-like contusion $3'' \times 1''$ situated on the back part of the right shoulder. (5) A diffuse pink coloured contusion over the right shoulder blade and is $4'' \times 6''$. The skin is abraded in three places. (6) Diffuse contusion $6'' \times 3''$ on the left scapula at its upper part. On it is an area $1\frac{1}{2}'' \times 1''$ which is discoloured black with over it. (7) Stripes-like contusion $6\frac{1}{2}'' \times \frac{3}{4}''$ left side of the back. (8) Another stripe-like contusion $1\frac{1}{2}'' \times 4\frac{1}{2}''$ across the lower part of the left scapula. (9) A stripe like contusion $3'' \times 2''$ situated vertically over the lower part of the back on its right side. (10) Diffuse contusion $6'' \times 3''$ pinkish in colour on the outer aspect of the left arm at its upper part. On it are two tiny abrasions of the size of a nail head with blackish discolouration. (11) A ligature mark $\frac{3}{4}''$ broad around the left arm about 3″ above the bend of the elbow. (12) Above injury No. 11, *i.e.*, above the ligature mark is a diffuse contusion $3\frac{1}{2}'' \times 1\frac{1}{2}''$ on the anterior aspect of the left arm. (13) An abrasion $2'' \times 1''$ below the ligature mark on the left arm on its outer side. (14) A ligature mark situated obliquely around the right arm $\frac{1}{2}''$ broad and is 2″ above the bend of the elow joint in front and 4″ above the tip of the elbow behind. Some abrasions are present here and there. (15) An abrasion $\frac{1}{2}'' \times \frac{1}{8}''$ on the inner side of the left forearm on its upper third. (16) An abrasion $3'' \times \frac{1}{2}''$ on the inner aspect of the left arm at its lower third. (17) Contusion of the lower lip. (18) An abrasion $\frac{3}{4}'' \times \frac{1}{2}''$ situated on the posterior aspect of the left leg at the junction of the lower and middle third.

Treatment.—Cleaned and dressed.

Exhibit P48.

MYSORE MEDICAL DEPARTMENT.

Surgical Ward.
Case No. 854.

CASE SHEET—SURGICAL.

Name	Issac
Age	35
Race or caste	M. M. P.
Address	Permanent C/o Self, P. C. No. 350, Local Shikarpur.
Occupation	P. C. No. 350.
Admitted	29-9-42 at 5-30 P.M.
Discharged	7-10-42.
Diagnosis	Injuries.
Result	C.

Complaint—Multiple injuries. Duration—1 day.

History of present illness.—The patient says that he was assaulted by a mob in Isoor village of Shikarpur Taluk on 28th September 1942 at about 11-40 A.M., when he went to Isoor village with his Police Officers and the Amildar. He says, that he received an injury to his left arm after which he ran away and rescued himself near a tank. He was treated in Shikarpur Hospital and brought in an ambulance car on 29th September 1942 at about 5-30 P.M. into this hospital and sought admission for further observation and treatment.

Physical signs and conditions on admission.—The patient is an young adult aged about 35 years, well built to his age and his general condition is good.

Alimentary, circulatory and respiratory systems are all normal.

Injuries.—Copy of *vide* Accident Register, Shikarpur.

Pathological Report—

Urine examination :—	Sugar	Nil
	Albumin	Nil
	Reaction	Acid

Progress and treatment—

29-9-42	Clean and antiseptic dressings. Mist. Stimulous Oz. 1 Soluseptasin 5 c.c. Vesper Mist. Bromide Oz.
30-9-42	Clean and dress. Mist. Soda Salicylas Oz. 1 S. W. enema ( )
1-10-42	Repeat all.
2-10-42	Repeat all.
3-10-42	Repeat all.
4-10-42	Repeat all.
5-10-42	Repeat.
6-10-42	Repeat mist.
7-10-42	Repeat.

Discharged on 7th October 1942 at 6-30 P.M.

Issac Mia, son of Peer Sab, aged 35 years, P. C. No. 350 of Shikarpur said to have been assaulted at Isoor on 28th September 1942 at 12 NOON and brought to the dispensary at about 11-30 P.M. on 28th October 1942 by one P. C. Krishnamoorthy and one P. C. Khasim Sab. He was attended to at 2 A.M. on 29th September 1942.

Identification marks-

(1) A scar $1\frac{3}{4}'' \times 1''$ on the front of the left ankle.
(2) A tiny dark mole on the left side of the neck.

COPY.

Injuries—

(1) A triangular shaped wound of the size of a nail's head and skin deep situated on the inner side of the upper part of the left arm close to the axilla.

(2) Eight scratch-like abrasions varying in length from $1\frac{1}{2}''$ to $2\frac{1}{2}''$ situated on the outer side of the middle and lower part of the right thigh at intervals.

(3) An abrasion $2'' \times \frac{1}{2}''$ situated on the inner side of the left knee in front.

(4) A stripe-like abrasion $3'' \times \frac{1}{4}''$ situated on the back part of the left thigh in its middle part.

(5) A transverse contusion $4'' \times 1''$ situated $1\frac{1}{2}''$ below injury No.

Treatment: Cleaned and dressed.

Exhibit P49.

MYSORE MEDICAL DEPARTMENT.

CASE SHEET-SURGICAL.

Surgical Ward.
Case No. 853.

Name		Muniyappa.
Age		42.
Race or Caste		H. M. P.
Address	Permanent	C/o Self,
		Revenue Inspector,
	Local	Shikarpur.
Occupation	....	Revenue Inspector.
Admitted	....	29-9-42—5-30 P.M.
Discharged	....	16-10-42.
Diagnosis	....	Multiple injuries.
Result	....	....

Complaint .... Multiple injuries Duration—1 day.

History of present illness.—The patient says that on 28th September 1942 he went to Isoor Village accompanied with the Amildar and Police Inspector, Sub-Inspector and others, and he was assulted by a mob at about 12 NOON and sustained multiple injuries on his person and he was treated at Shikarpur Dispensary at about 1 A.M., on 29th September 1942 and he was brought in an ambulance car to this hospital for further observation and treatment.

Physical signs and conditions on admission.—The patient is an adult, aged about 42; well built to his age; not anaemic and his general condition is good.

Alimentary system:—Teeth clean; tongue slightly coated; appetite good; bowels regular; liver and spleen not palpable.

Circulatory and Respiratory systems are normal.

Injuries.—As per copy of Accident Register from Shikarpur.

Pathological Report.

Urine Examination.—	Albumin	....	Nil.
	Sugar	....	Nil.
	Reaction	....	Acid.

Progress and Treatment.

29-9-1942	Antiseptic dressings.
	Cold pack to the right arm and shoulder.
	Mist. Bromide Oz. (St.).
	Soluseptasin 5 c.c. I. M. inj.
30-9-1942	Mist. Carmi oz.
	Repeat dressings.
1-10-1942	Repeat all.
2-10-1942	Repeat all.
3-10-1942	Repeat all.
4-10-1942	Repeat all.
5-10-1942	Repeat to 16/10 Repeat.

Discharged on 16-10-42.
(Sd.) N. R. Rao.

Mr. M. Muniappa, son of Maruliah, aged 42 years, Revenue Inspector, Channel area, residing at Shikarpur. Assaulted at Isoor on 28th September 1942 at about 12 NOON and brought by Churchugundi Kadappa and Md. Zaffar at 9-30 P.M. on 28th September 1942.

The injured person was attended to at 11-40 P.M. on 28th September 1942.

Identification Marks:—(1) Four round branded marks are below the naval, one at the pit of the stomach and one on each side of the abdomen each of the size of a four anna coin.

Copy.

(1) A wheel-like contusion $2\frac{1}{2}'' \times \frac{3}{4}''$ situated vertically over the middle of the forehead immediately above the left eye brow's medial end. (2) An incised wound irregular in size $1'' \times \frac{1}{4}''$ and scalp deep situated on the top of the middle of the forehead. (3) Incised bleeding wound $1\frac{3}{4}'' \times \frac{1}{2}''$ and scalp deep situated on the right side of the head near the parietal eminence. (4) A contused wound over the occiput 1" above the occipital protruberance it is $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{2}''$. (5) A number of abrasions of different size situated over the left shoulder and deltoid area. (6) An incised wound $1\frac{1}{2}'' \times \frac{1}{3}''$ and scalp deep situated on the top of the right side of the head. (7) A ligature mark around the right arm 3" above the elbow. It is $\frac{3}{4}''$ broad and the skin at the margins are abraded. (8) Three parallel stripe-like contusions over the right shoulder and deltoid region each about $4'' \times \frac{1}{2}''$ broad situated $1\frac{1}{2}''$ apart. The right shoulder is swollen and is $1\frac{1}{2}$ times its original size. (9) A contusion $3'' \times 2''$ on the outer and anterior aspect of the right arm immediately above the ligature mark. It is slightly elevated. (10) A contusion on the right temporo mandible joint $1\frac{1}{2}'' \times 2''$. (11) An abrasion $\frac{1}{4}'' \times \frac{1}{8}''$ on the bridge of the nose. (12) One ligature mark around the left arm 1" above the elbow joint. It is $\frac{3}{4}''$ broad and is slightly bluish in colour. (13) An oblique stripe-like contusion $3\frac{1}{2}'' \times \frac{3}{8}''$ situated obliquely in front of the left arm at the lower half of it. (14) Irregular abrasions about seven in number on the dorsum of the left elbow varying in size from a pie to that of an anna coin. (15) A ligature mark around the left thumb about the middle of the proximal phalanx. There is contusion of the bone of the thumb and thenar eminence. (16) V contusion on the right calf muscle $3'' \times 3\frac{1}{2}''$ with an abrasion of the size of a nail's head on it. (17) Contusion on the left shin at the junction of the upper and middle thirds. It is $2'' \times 2''$.

Treatment: Cleaned and dressed.

Exhibit P50.

MYSORE MEDICAL DEPARTMENT.

Surgical Ward.

CASE SHEET—SURGICAL. Case No. 855.

Name	Ramiah (P. C. 234).
Age	40
Race or caste	Hindu, Male.
Address	Permanent C/o Self, Local P. C. 234, Shikarpur.
Occupation	Police Constable.
Admitted	29-9-42—5-30 P.M.
Discharged	1-11-42.
Diagnosis	Multiple injuries.
Result	.....
Student's Name	.....

Complaint—Multiple injuries—Duration 1 day.

Family History—

Previous History—

History of present illness:—The patient was brought in an ambulance car on 29th September 1942 at about 5-30 P.M. in an unconscious state followed with other injured persons and admitted into this Hospital for observation and treatment. He was assaulted by a mob in Isoor village of Shikarpur Taluk and he

was treated at Shikarpur Hospital and further he was admitted for observation and treatment into this Hospital.

Physical signs and conditions on admission:—The patient is an adult, aged about 40 years, well built to his age, not anæmic, and he is unconscious.

Alimentary system:—Liver and spleen not palpable.

Circulatory system:—Pulse rapid, heart sounds normal.

Respiratory system:—Moist mole at the base.

The patient is in an unconscious state. The patient regained consciousness after three days, was able to speak but unable to answer questions. Not able to close the left eye lid completely.

PATHOLOGICAL REPORT.

Urine Examination.—

Sugar—Nil. Albumin—Nil. Reaction—Acid. W. R. Negative.

Progress and Treatment.—

29-9-42 Clean and antiseptic dressings. Ice cap to the head. Solu. Septisine 5 c. c. Glucose feed only. Morphia ¼ gr. (Hs).

30-9-42 Repeat dressings. Turpentine friction to the back and chest covered with lint. M. & B. Tablets two Tds. Ice cap to the head. S. W. enema (S. K.)

1-10-42 Repeat all. M. & B. tablets two Tds. M. & B. 1 grm. 3 c. c. I. M. injection.

2-10-42 Repeat all.

3-10-42 Repeat all.

4-10-42 Repeat all.

5-10-42 Repeat all.

6-10-42 Mis Turpentine friction—lint covered to the chest. Antiseptic dressings to the scalp.

7-10-42 Repeat.

8-10-42 Repeat all Morphia 1/6 injection.

9-10-42 Repeat and dressings.

10-10-42 to 31-10-42 Repeat all 1/11 Repeat gum paint and garglings lint dressings.

Discharged at 3 P.M. on 1-11-42.

(Sd.) N. R. Rao,
S. A. S.

Ramiah, aged about 33 years, Gollar Caste, P. C. No. 234, Shikarpur, said to have been assaulted at Isoor Village on 28-9-1942, and brought to the dispensary at about 9-30 P.M. on 28-9-1942. He was attended to at 10-45 P.M. on 28-9-1942.

Marks of Identification.—(1) A tiny dark mole on the volar and lower aspect of the right arm. (2) Smallpox marks on the face.

Injuries.—(1) An incised wound $1\frac{1}{4}'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated on the right side of the parietal eminence. The surrounding tissues are swollen. (2) A contused wound $1'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated on the top of the centre of the head. (3) A contused wound $\frac{3}{4}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated on the left parietal eminence. (4) A contused wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{8}''$ situated on the right molar eminence. (5) A contusion $1\frac{1}{2}'' \times 1\frac{1}{4}''$ situated above the right eyebrow with a few abrasions over it. (6) A curved incised wound $\frac{1}{2}'' \times \frac{1}{4}'' \times \frac{1}{4}''$ situated $\frac{1}{2}''$ behind the left lobe of the ear. (7) An abrasion of the size of a nail's head on the inner side of the left ear in its middle part. (8) A diffuse contusion situated on both sides of the back in its upper part measuring $10'' \times 8''$ each which is bluish in colour. (9) An abrasion $\frac{3}{4}'' \times 3''$ on the inner side of the middle of the left arm. (10) A contusion $3'' \times 2''$ situated over the lower part of the hepatic region with an abrasion $\frac{1}{2}'' \times \frac{1}{4}''$ on it. (11) An abrasion $3'' \times \frac{1}{2}''$ situated on the inner part of the right side of the chest in front and 1" to the right of the pit of the stomach. (12) An oblique ligature's mark about $\frac{3}{4}''$ in width situated around the middle of the left arm. (13) A vertical contusion abrasion about $10'' \times 1\frac{1}{2}''$ situated on the dorsal aspect of the right forearm. (14) A diffuse contusion abrasions $2'' \times 2''$ on the outer aspect of the right elbow joint. Patient is rather comatone. Treat clean and dressed morphia injection tube A. T. Serum 3000 units.

(Sd.) B. H. (Not clear.)
S. A. S.

Exhibit P51.

MYSORE MEDICAL DEPARTMENT.

Surgical Ward.
Case No. 857.

CASE SHEET—SURGICAL.

Name—Gurushantappa.
Age—26 years.
Race or caste—H. M. P.
Address.

Student's Name..

Occupation—Raiyat.
Admitted—29-9-42, 6 P.M.
Discharged—27-10-42.
Permanent—c/o Erappa (Uncle)
Local—Raiyat, Isoor, Shikarpur.
Diagnosis.....

Result..... ....

Complains of gun shot wounds on the right side of the face. Duration—one day

Family History.

Previous History.

History of present illness.—The patient says that he was shot with a gun on 28th September 1942 at about 11 A.M. at Isoor Village of Shikarpur Taluk and sustained the injuries and fell down unconscious, and he was taken over to his house which he does not know himself, and he was brought to this Hospital for admission and treatment in a bullock cart on 29th September 1942 at about 6 P.M. He says he went to the mob just to bring his boys, meanwhile he was shot with a gun and sustained the injuries and fell down unconscious.

Physical signs and conditions on admission.—The patient is an young adult, aged about 26 years, well built to his age, not anæmic and his general condition is good.

Alimentary systems.—Normal. Respiratory system.—Normal.

Circulatory system.—Normal. Local examination—(Injuries).

1. A circular punctured wound with a diameter of about ⅛", edges inverted situated just below the lobule of the right ear can be probed to about ¾" deep.

2. A circular punctured wound with a diameter of about ⅛" situated immediately below the right molar eminence. The edges are everted. Probe can be passed to a distance of about one inch.

PATHOLOGICAL REPORT.

Urine examination.—	Sugar	....	Nil.
	Albumin	....	Nil.
	Reaction	....	Acid.

Progress and Treatment—

29-9-42	*Treatment.*—Wounds cleaned and antiseptic dressings applied. 2. A. T. serum 1500 units given. 3. Solu. Septisine injection 5 c.c. I.M. given Mist. Bromide, Septanilum tablet 1.
30-9-42	Mist. Diaph. T. D. S. Septanilum tablet 1 Antiseptic dressings and frequent gargling. Boric poultice to the right molar region.
1-10-42	Repeat all.
2-10-42	Mist. Carni. Repeat dressings. 4th hour by poultice and gargling.
3-10-42	Repeat all.
4-10-42	Mist. Alba.
5-10-42 to 27-10-42	Repeat dressings Discharged on 27th October 1942 at 9 P.M.

(Sd.) N. R. RAO,
Sub-Assistant Surgeon.

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Exhibit P52.

MYSORE MEDICAL DEPARTMENT.

Surgical ward.
Case No. 856.

CASE SHEET—SURGICAL.

Name	Paniyappachari.
Age	40 years.
Race or Caste	H. M. P.
Address	Permanent-C/o self, Goldsmith, Isoor, Shikarpur Taluk. Local.....
Occupation	Goldsmith.
Admitted	29-9-42, 6 P.M.
Discharged	On 23-10-42.
Student's name	
Diagnosis	
Result	

Complaints of gun shot wounds on the right shoulder. Duration—one day.

Family History..... Previous History.....

History of present illness.—The patient says that he was shot with a gun on 28th September 1942 at about 10 A.M. at Isoor Village of Shikarpur Taluk, and sustained injuries to his right shoulder and fell down unconscious. He says that he was coming towards the Isoor Village after attending calls of nature and he went into the mob, where he was shot with a gun and sustained the injuries. Then he was taken over to his house, where he regained his consciousness. The same night he started in a bullock cart to this place and he was admitted into this Hospital on 29th September 1942 for observation and treatment.

Physical signs and conditions on admission.—The patient is an adult man, aged about 40 years. Well built to his age, not anæmic and his general condition is good. Alimentary and Respiration and Circulatory systems are normal.

Local Examination.—(Injuries.)

1. A circular punctured wound with a diameter of about $\frac{1}{8}''$, edges inverted, situated 1″ above the insertion of the right muscle, probe can be passed to a depth of about one inch.

2. A circular punctured would with a diameter of about $\frac{1}{8}''$, edge everted, situated one inch above and slightly behind the posterior right axillary folds. Probe can be passed to a depth of $\frac{3}{4}$ of an inch.

Pathological Report.....

Progress and Treatment.—

Treatment.—Wounds cleaned and antiseptic dressings applied.
2. A. T. serum 1500 units given.
3. Solu. Septisine injection 5 c.c. I.M. given.

Vespia.—Mist. Bromide. H.S.

30-9-42	....	Repeat antiseptic dressings. S.W. enema.
1-10-42	....	Repeat all.
2-10-42	....	Repeat all.
3-10-42	....	Repeat all.
4-10-42	....	Mist. Alba.
5-10-42 to 11-10-42	....	Repeat mist. and dressings.
12-10-42	....	Mist. Hepatica.
13-10-42 to 18-10-42	....	Repeat dressings and mist.
19-10-42	....	Mist. Carnia Mag. sulpha.
20-10-42 to 23-10-42	....	Repeat.

Discharged on 23rd October 1942 at 7-45 P.M.

(Sd.) N. R. RAO,
Sub-Assistant Surgeon.

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Exhibit P53.

Property Register maintained in Shikarpur Police Inspector's Office.

Exhibit P 53 (a).

Page Nos. 2 and 3.

ARMS.

Revolver	Muskets		Any other kinds	Bayonets	
	·410	·476		·410	·476
1. [(Colt Police. Positive ·38 bore No. 366002) six chambered] Ex. 53 (a).	8 (89918; A ——; 75495 V ——; 88·500	55639; O ——; 79924 2266 ——) C	654; D ——; 5681		

Exhibit P53 (b).

Page Nos. 10 and 11.

ACCOUTREMENTS.

Swords	Scabbards	Sword belts	Hand-Cuffs	Chains	Leg-Shackles	Revolver Pouch	Revolver cleaning brush	Cartridge's Pouch	Bayonet's Scabbards	Rabis treatment bottle	Remarks
+ 1	+ 1	+ 1				1	1	1			C. C. 1070—40-41 Sword and scabbard were sent to D. P. O. as per order No. S. C. 105—40-41, dated 17th April 41, on 20th April 1941. (Sd.) x x x 20-4-41.

Exhibits P54, P54 (a) and P54 (b)—Plan of scene of occurrence.

Exhibit P55.

Register of births in the month of July 1932 in the Village of Isoor, Hobli: Kasba, Taluk: Shikarpur, District: Shimoga.

Serial No.	Date of Registers Item	Father's name	Mother's name	Residence	Father's Occupation	Caste	Sex of Child	Date of birth	Name of the child if any	Name of the informant	Residence of the informant	Signature of mark of the informant	Signature of the Registrar
1	2	3	4	5	6	7	8	9	10	11	12	13	14
3	18-7-32	Malleshappa	Thayakka	Isoor	irayath	Veerashaiva	Male	12-7-32	Jayadevappa	Varjanna	Isoor	(Sd.) Sajjappa	(Sd.) Sajja

(Sd.) G. Channabasaviah,
5-8-32.

Copied by—G. Mahadevappa.

Compared by— x x x

"True Copy."

(Sd.) x x x
Amildar, Shikarpur.
10-11-1942.

Exhibit P56.

THE MYSORE GAZETTE EXTRAORDINARY.

NOTIFICATION.

No. 619—*C. B., Bangalore, dated (Sunday) the 7th August* 1942.

5 In exercise of the powers vested in them by Section 11 of the Mysore Public Security Act, XII of 1940, the Government of His Highness the Maharaja are hereby pleased to declare the all Mysore Congress Committee, all Mysore Congress Working Committee and the District and City Committees of the Mysore Congress to be unlawful associations.

By Order,
10 (Sd.) M. G. MEHKRI,
Chief Secretary to Government.

OFFICE OF THE SUPERINTENDENT OF POLICE,
SPECIAL BRANCH IN MYSORE,
Bangalore, August 10, 1942.

15 No. 57 of 42-43—S. B.

Copy forwarded with compliments to all the District Superintendents of Police in charge of Districts for information.

(Sd.) U. K. SOMAPPA,
20 *Superintendent of Police,*
Special Branch in Mysore.

Exhibit P57.—Plan of Isoor Village.
" **P57 (a)** } Copies of Plan of Isoor Village.
" **P57 (b)** }

25 IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 42-43.

Deposition of Dr. B. H. Cornelius—P W 1
Father's name—John Halliday.
Age—46.
30 Caste—Christian.
Occupation—Sub-Assistant Surgeon.
Residence—Shikarpur.

Duly sworn,
3-11-1942.

35 On 29th September 1942, I held the autopsy over the bodies of Messrs. Kenche Gowda and Chennakrishnappa between 2-30 P.M. and 6-30 P.M.

I noticed the following injuries on the body of Chennakrishnappa:—

(1) An incised wound 2″ by ½″ scalp deep, situated obliquely on the top of the right side of the forehead.

40 (2) A lacerated wound 2″ by ¾″ scalp deep, situated on the top of the left side of the head on the parietal eminence.

(3) An incised wound 1¾″ by ½″ scalp deep, situated on the top of the middle of the head.

(4) An incised wound 1″ by ½″ scalp deep, situated on the top of the head 1¾″ behind injury No. 3.

45 (5) An incised wound 2½″ by ½″ scalp deep, situated obliquely on the left side of the head running obliquely 2″ above the top of the ear.

(6) A lacerated wound 1¾″ by ¼″ and scalp deep, situated on the top of the back of the head behind the right parietal eminence. The face, neck, and head are covered with clotted blood here and there.

50 (7) An irregular abrasion 2″ by ½″ situated on the middle of the front of the right arm and is continuation of a faint ligature mark on the inner side of the arm for a distance of 3″.

(8) An abrasion irregular in shape ½″ by ⅓″ situated on the outer side of the bend of the right elbow.

55 (9) There is a ligature mark situated obliquely around the left arm and is in front 2″ and behind 3″ above the bend of the elbow joint. It is ½″ wide.

(10) A contusion extending over the left shoulder and scapular region of the left side of the chest and is 8″ by 7″. On this are 4 stripe like marks varying from 2″ by 1″ to 4″ by 1″ situated at different spots.

(11) Contusion over the right shoulder and upper part of the scapular region and is 8″ by 6″.

(12) The contusion over the right buttock is 6″ by 3″.

(13) An abrasion 1½″ by 1″ situated below the left knee in front.

(14) Two abrasions ¾″ by ½″ and 1″ by ⅓″ situated closely in the middle ⅓ of the left leg in front.

(15) An abrasion 3¼″ by ¼″ situated vertically on the outerside of the middle third of the right leg in front.

(16) A contusion 3″ by 2½″ situated on the back of the lower third of the left arm just above the elbow joint.

(17) On incising the contused areas extravasation of blood in the underlying tissues was seen. In the wounds blood clots and congestion of tissues were present and the edges were everted.

The body was that of a man well built and muscular. Rigor mortis was absent. Epedermis had been peeled off in several places on the right forearm and arm and over the left forearm outer and back part of the left leg and thigh.

The brain was congested. The other portions of the body were healthy.

I am of opinion that death of this man was due to shock and hæmorrhage as a result of multiple injuries. Exhibit P1 is the P. M. certificate I have given countersigned by the District Medical Officer.

I noticed the following injuries on the body of Kenche Gowda.

1. A contusion 3″ by 2½″ situated on the right side of the forehead at its upper part on it is an abrasion 1″ by ½″ close to the middle of the forehead.

2. A contusion 1″ by 1½″ situated on the top of the left side of the forehead close to the middle line. On it are several pin points like abrasions.

3. A lacerated wound 2″ by ⅓″ scalp deep situated on the top of the middle of the vertex.

4. A contused wound 1½″ by ⅓″ scalp deep situated on the right side of the back of the head at its top part.

5. A contusion 2″ by 2″ situated on the left side of the forehead as it is an abrasion ¾″ by ½″.

6. An irregular abrasion 2″ by 1¼″ situated on the outerside of the left eye.

7. An irregular contusion 2″ by 1½″ situated on the left side of the cheek and extends to the left angle of the mouth.

8. There are four irregular abrasions situated on the nose here and there varying in size from a small nail's head to that of a medium size nail's head.

9. A punctured wound ½″ by ¼″ by ⅛″ situated on the bridge of the nose close to the glubella.

10. An irregular abrasion of the size of a nail's head situated on the left side of the upper lip below the nostril.

11. A contusion of the upper and lower lids of the right eye

12. A lacerated wound ½″ by ¼″ by ⅛″ situated obliquely ½″ above the right side of the upper lip.

13. There is contusion of the right ear and right mastoid region with an abrasion ½″ by ¼″ about the middle of the border of the right ear.

14. There is contusion of the left shoulder both in front and behind and is 6″ by 5½″.

15. A contusion 4″ by 2″ situated on the posterior aspect of the lower third of the left arm.

16. A contusion 2″ by 1½″ situated on the lower third of the posterior aspect of the left forearm.

17. A contusion 1″ by ¾″ on the dorsel aspect of the proximal phalanx of the left middle finger.

18. A superficial wound 1¼″ by ¾″ and skin deep situated on the Ulnar side of the upper third of the left forearm.

19. A contusion 3½″ by 3″ on the anterior aspect of the upper third of the left forearm.

20. A contusion covering the upper half of the right side of the back of the chest and is 6″ by 5″.

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21. A contusion 2″ by 3″ on the right side of the back 12″ below the vertebral angle of the scapulas.

22. An abrasion $\frac{3}{4}$″ by $\frac{1}{3}$″ situated 2″ below injury No. 21.

23. There is contusion of the left side of the back over the scapular region which is 6″ by 4″.

24. A contusion 4″ by 3″ on the left side of the back 3″ below the lower angle of the scapula.

25. A contusion 2″ by $\frac{3}{4}$″ situated below injury No. 24.

26. A contusion $1\frac{1}{2}$″ in diameter situated on the right hip.

27. A contusion on the right shoulder is 4″ by $3\frac{1}{2}$″ and is visible on the top and sides.

28. A contusion 2″ by $1\frac{1}{2}$″ on the back part of the middle third of the right arm.

29. Six abrasions varying in size from $\frac{1}{2}$″ to $1\frac{1}{2}$″ in length by $\frac{1}{2}$″ to $\frac{3}{4}$″ in width scattered at the back of the right elbow joint.

30. A contusion 4″ by $2\frac{1}{2}$″ on the back of the lower third of the right forearm.

31. An abrasion $\frac{1}{2}$″ in diameter on the middle part of the middle interphalangeal joint of the right hand on its back part.

32. An abrasion $1\frac{1}{2}$″ by 1″ situated on the lower part of the front of the right thigh immediately above the knee joint.

33. A contusion irregular in shape $2\frac{1}{2}$″ by 1″ situated on the inner side of the left knee joint.

There is ethymosis over the contusions and on incision extravasation of blood was found in the underlying tissues. There is eversion of the edges of the wounds and blood clots are found in that.

The body was that of a well built muscular man. Rigor mortis was passing of in the lower limbs and is absent in the upper limbs.

The entire scalp over the fractured areas of the skull and for a distance of 3″ around is highly congested.

I noticed the following fractures in the body :—

1. From a point 3″ above the top of the left ear on the pareital bone there is a fracture running across the frontal bone to a length of 4″.

2. Another fracture of the left parietal bone running from the point mentioned in No. 1 to a length of 1″ downwards towards the left ear.

3. Another fracture from the point mentioned in No. 1 running backwards towards the sagittal suture to a length of $3\frac{1}{2}$″ on the left pareital bone.

4. On the right side of the frontal bone 1″ to the right of the sagittal suture and $\frac{1}{2}$″ in front of the coronary suture is a fracture of the frontal bone 2″ long running perpendicularly downwards to the right side.

The brain was congested superficially corresponding to fracture No. 4 on the skull. His face, neck, shoulders, hands, net-banian and shorts are covered with clotted blood. The mucus membrane in Larynx and Trachea is blood-stained.

Stomach contained blood-stained fluid. I am of opinion that death is due to shock and hæmorrhage as a result of multiple injuries. Exhibit P2 is the *post-mortem* certificate given by me with regard to this body countersigned by the District Medical Officer.

The *Ex-officio* First Class Magistrate Mr. B. Suryanarayana Rao sent these bodies to me for autopsy with P. C. No. 340 Siddappa on 29th September 1942.

These injuries are not self-inflicted. The injuries on both persons could have been caused by clubs having rough surface. The ligature wounds 7 and 9 on Chennakrishnappa might be due to his being tied with a rope or string.

Six injured persons: (1) Ramiah, P. C. 234, (2) P. C. 319 Venkatapathi, (3) Mr. M. Muniappa, Revenue Inspector, Channel Area, Shikarpur, (4) S. M. Abdul Sattar, Police Daffedar, Shikarpur, (5) Mr. Jamiruddin Sheriff, Police Inspector, Shikarpur, (6) Ishakmiah P. C. 350, Shikarpur, were brought to me for treatment at 9-30 P.M. on 28th September 1942. One Chunchagundi Kadappa and one Mohamed Jaffar brought all of them to me in 1 or 2 carts to my Hospital at Shikarpur.

I was making arrangements to treat them. Meanwhile the District Medical Officer and the Assistant Surgeon came there. I and the Assistant Surgeon treated them. I examined the injuries on them.

Ramiah had the following injuries :—

1. An incised wound $1\frac{1}{4}$″ by $\frac{1}{4}$″ by $\frac{1}{4}$″ situated on the right side of the pareital eminence. The surrounding tissue are swollen.

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2. A contused wound 1″ by ¼″ by ¼″ situated on the top of the head.
3. A contused wound ¾″ by ¼″ by ⅛″ situated on the left pareital eminence.
4. A contused wound ½″ by ¼″ by ⅛″ situated on the right malar eminence.
5. A contusion 1½″ bv 1¼″ situated above the right eye brow with a few abrasions over it.
6. A curved incised wound ½″ by ¼″ by ¼″ situated ½″ behind the left lobe of the ear.
7. An abrasion of the size of a nail's head on the inner side of the left ear.
8. A diffused contusion on both sides of the back in the upper part measuring 10″ by 8″ each bluish in colour.
9. An abrasion ¾″ by 3″ on the inner side of the middle of the left arm.
10. A contusion 3″ by 3″ on the lower part of the hepatic region with an abrasion ½″ by ¼″ on it.
11. An abrasion 3″ bv ½″ on the inner part of the right side of the chest in front.
12. An oblique ligature mark ¾″ in width around the middle of the left arm.
13. A vertical contusion with abrasion about 10″ by 1½″ on the dorsel aspect of the right forearm.
14. A diffused contusion with abrasion 2″ by 2″ on the outer aspect of the right elbow joint.

He was rather comatose. These injuries on him were due to external voilence. These injuries were 8 or 9 hours old when I saw them. Exhibit P3 is the certificate I have given in respect of this man. Injury No. 12 might have been caused by his being tied with a string.

Venkatapathi had the following injuries :—19 injuries.

1. A lacerated wound a little above the left eye brow.
2. A contusion on the left upper lip.
3. An incised wound on the upper part of the left pareital bone.
4. An incised wound on the middle of the top of the forehead.
5. An incised wound on the left pareital eminence and the surrounding tissues contused.
6. A lacerated wound ½″ behind injury No. 5.
7. An incised wound over the occipital bone 1″ over the vertex
8. An incised wound on the top of the head.
9. Diffused contusion over the left deltoid region, left scapula and left shoulder.
10. A diffused contusion to the front of the left shoulder.
11. A stripe-like contusion on back of the left side.
12. A stripe-like contusion on the back of the right side.
13. A similar contusion on the top of the right scapula.
14. A similar diffused contusion on the left hip joint.
15. A pair of similar contusions on the right buttock.
16. A diffused contusion over the cardiac region.
17. A ligature mark ⅓″ wide from the middle of the left thumb.
18. Five small abrasions on the dorsem of the left hand.
19. A diffused contusion on the left palm.

Exhibit P4 is the certificate I have given in respect of injuries to Venkatapathi.

I next examined M. Muniappa. He had the following injuries :—

1. A wheel-like contusion on the forehead.
2. An incised wound on the top of the forehead.
3. An incised bleeding wound on the right side of the head.
4. A contused wound over the occipit.
5. A number of abrasions of different sizes over the left shoulder and deltoid area.
6. An incised wound situated on the top of the right side of the head.
7. A ligature mark around the right arm 3″ above the elbow.
8. Three parallel stripe-like contusions over the right shoulder and deltoid region. The right shoulder is swollen and is 1½″ times its original size.
9. A contusion on the outer and anterior aspect of the right arm above the ligature mark No. 7.
10. A contusion on the right temporal manditle joint.
11. An abrasion on the bridge of the nose.

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12. One ligature mark around the left arm 1″ above the elbow joint.
13. An oblique stripe-like contusion situated in front of the left arm.
14. Seven irregular abrasions on the dorsem of the left elbow.
15. A ligature mark around the left thumb.
16. A contusion on the right calf muscle with an abrasion on it.
17. A contusion on the left skin. Exhibit P5 is the certificate I have given in respect of injuries found on him.

I next examined S. M. Abdul Sattar and he had the following injuries :—

1. An incised wound on the outer end of the left eye brow. Blood was sticking and there was contusion 1″ around.
2. A lacerated wound on the centre of the vertex.
3. A contusion on the head 2″ above the right ear with multiple abrasions.
4. A stripe-like contusion across the middle of the left arm.
5. A ligature mark running around the left forearm immediately above the brest with blebs and abrasions here and there.
6. Contusion on the left arm at its back.
7. A diffused contusion over the left shoulder.
8. A diffused contusion on the outer aspect of the left arm.
9. A diffused contusion over the left scapular region.
10. A stripe-like contusion on the left side of the chest.
11. A stripe-like contusion on the left side of the chest above the level of the 7th and 8th ribs.
12. A stripe-like contusion just below the lower angle of the left scapula.
13. A stripe-like contusion across the middle of the back.
14. Four more contusions on the right side of the back.
15. A contusion on the left thumb.
16. A simple fracture of the middle of the first phalanx of the right index finger.
17. A dark blood over the dorsum of the proximal phalanx of the right index finger.
18. A punctured wound over the proximal knuckle of the middle finger of the right hand. It was bleeding.
19. Contusion of the dorsum of the right hand and all its fingers.
20. Oblique stripe like contusion across the dorsum and outer border of the middle of the right forearm.
21. Diffused contusion of the right deltoid and shoulder.
22. A diffused contusion over the right scapular region.
23. Multiple abrasions on the right calf muscle area.
24. A stripe-like contusion on the front of the right thigh at its lower end.
25. An abrasion over the right patela.
26. A contusion on the inner side of the left thigh with vesicles over it.
27. A diffused contusion over the right glucial region.
28. A diffused contusion over the left buttock.
29. Five stripe-like contusions varying in size on the front and outer side of the whole of the left thigh. There are some vesicles on the lowest one.
30. A ligature mark around the first phalanx of the left thumb.
31. A contused wound at the root of the left ring finger.

Exhibit P. 6 is the certificate I have given in respect of Abdul Sattar.

I next examined Mr. Zameruddin Sheriff. He had the following injuries :—

1. An incised wound on the vertax.
2. An oblique incised wound 1″ below injury No. 1.
3. An abrasion on the right shoulder.
4. A stripe-like contusion on the back of the right shoulder.
5. A diffused pink coloured contusion on the right shoulder blade. The skin is abraded in 3 places.
6. A diffused contusion on the left scapula.
7. A stripe-like contusion over the left side of the back.
8. A stripe-like contusion over the lower part of the left scapula.
9. A stripe-like contusion over the back of the right side.
10. Diffused contusion on the outer aspect of the left arm with two tiny abrasions.
11. A ligature mark ¾″ broad around the left arm 3″ above the bend of the elbow.

12. Above injury No. 11 there is a diffused contusion on the left arm.
13. An abrasion below the ligature mark on the left arm.
14. A ligature mark situated obliquely around the right arm ½" broad 2" above the end of the elbow joint. Some abrasions are present here and there.
15. An abrasion on the inner side of the left forearm.
16. Another abrasion 3" by ½" on the inner aspect of the left arm.
17. A contusion of the lower lip.
18. An abrasion on the posterior aspect of the left leg.

Exhibit P7 is the certificate I gave in respect of his injuries.

I examined Isakmiah P. C. 350. He had the following injuries :—

1. A triangular shaped wound on the inner side of the upper part of the left arm.
2. Eight scratch-like abrasions on the outerside of the right thigh.
3. An abrasion on the inner side of the left knee.
4. A stripe-like abrasion on the back of the left thigh.
5. A transverse contusion 1½" below injury No. 1.

Exhibit P8 is the certificate I have given in respect of this man. I have stated in Exhibits P3 to P8 the time required for healing the injuries with proper treatment.

I am of opinion that many of the injuries in respect of these persons could have been caused by beating with clubs. The ligature marks could be caused by being tied with ropes or strings. The Police wrote to me 3 letters asking for information. I have brought two of them. These are Exhibit P9 and P10. My replies to them are Exhibits P11, P12 and P13. When I examined the bodies of Chennakrishnappa and Kenche Gowda I found that death must have taken place between 24 or 30 hours before then.

After I held the autopsy I handed over the clothes on the dead bodies to the P. C. that brought them. The clothes of the injured persons also I handed over to the Police after they had a change of clothes.

The bodies of Chennakrishnappa and Kenche Gowda had each a shawl and a banian. M. Os. 1 to 4 are these. M. Os. 5 to 11 are the clothes I found on the injured persons. I handed over M. Os. 1 to 11 to the Police. All these clothes are blood-stained. M. O. 12 to 16 clubs may cause such injuries on the deceased as well as on the other injured persons.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
3-11-42.

1st Witness Dr. D. H. Cornelius.
Witness recalled and cross-examined

Duly sworn,
20-11-42.

Cross-examination by Mr. K. S. Sastri.—The corpses were not tied by ropes when they were brought to me. I diagnosed the surfaces below the ligature marks. There were no echymosis in that surface. If there is no echymosis, generally the ligature marks may be *post-mortem* ones.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
20-11-42

Deposition of C. K. Lingappa. P.W. ~~12~~ 2
Father's name—Siddappa.
Age—30.
Caste—Kurubar.
Occupation—Police Daffedar No. 37.
Residence—Shikarpur.

Duly sworn,
3-11-42.

I was a Daffedar in Shikarpur Kasaba Station in last September. I was on Treasury duty. I have brought the Gun Deposit Register of Shikarpur Kasaba Police Station. Exhibit P14 is this Register. I know Sowcars Rudrappa and

Basavannappa of Isoor. They had a license to possess 16 chambered revolver and 2 D. B. M. L. guns. They possessed these fire arms. I seized these fire arms from them on 2nd February 1942 as per orders of the District Magistrate. Exhibit P14 (a) is the mahazar held at the time of seizure. Rudrappa and Basavannappa have signed Exhibit P14(a). Exhibit P14(b) shows the seizure of these arms and their deposit in the Station. M. O. 17 is the revolver then seized. I know Shanbhogue Ranganatha Rao. On 28th September 1942 at about 10-30 A.M., he came to the Police Station and gave a complaint as as per Exhibit P15. It is read out now in Court. I kept Exhibit P15 with me with a view to bring it to the notice of the Sub-Inspector Mr. S. L. Kenche Gowda who had gone then to Isoor with the Amildar, the Police Inspector, three Police Constables and a Daffedar and the Revenue Inspector. At about 2-30 P.M. that day *i.e.* 28th September 1942 when I was in the Treasury, Isoor Patel Chennabasaviah's son Gurubasaviah came to me. He told me that there was great disturbance in Isoor Village and that the Amildar and Sub-Inspector died there and that 500 or 600 persons armed with clubs were there and that some others were lying seriously injured. I asked him to give a complaint in writing. Then he gave a complaint in writing as per Exhibit P16. I received it at 2-30 P.M. I registered a case at once, and sent P. C. 237 Suryanarayana Rao to the District Superintendent of Police to convey this information. The Special First Class Magistrate of Sagar was then camping in Shikarpur. I gave the F. I. R. to him along with Exhibit P16.

Cross-examination by Mr. B. R. and Mr. P. Iyah and G. Santiah.—Nil.

Cross-examination by other accused.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
3-11-1942.

Witness recalled and cross-examined:—

Duly sworn,
17-11-42.

I have not noted anywhere the receipt of Exhibit P15 till I gave it to the Investigating Officer on 14th October 1942. Sometimes we record the statements of persons who give such complaints.' I was in charge of Treasury Guard then. I wanted to give Exhibit P15 to the Sub-Inspector for further action. The next day Shiralkoppa Sub-Inspector took charge for the Station. I did not give it to him. I had Exhibit P15 in my custody in the Kasaba Police Station. When serious allegations are made we have to take statements of persons who give such reports. I was in charge of the Police Station, during the absence of Sub-Inspector. Those who are in charge of Station must take statements or complainants. As the Sub-Inspector was in Isoor till 14th October 1942 for investigation of this case, I could not give it to him. Exhibit P15 was not got up during the course of investigation.

Cross-Examination by others.—Nil.

The Police Station and Treasury are in the same building. In cognizable cases only we record statements of complainants.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-42.

Deposition of Gurubasaviah (P. W. 3).
Father's name—Chennnabasaviah.
Age—31.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Gama, Shikarpur.

Duly sworn,
3-11-1942.

My father is the Patel of Isoor village. I and my father live together. In September last I was working as Patel as my father was on leave at Bangalore. I was acting as Patel for the whole of September. By cross-cut, Isoor is 1¾ miles from my place. I know all the accused. They are residents of Isoor. In September month daily 'Prahabat Fheri' processions were being taken in Isoor by 100 or 200 boys and adults both males and females. Sowcar Sivappa *alias* Basavannappa,

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Angadi Halappa *alias* Nirvani Halappa Gowda, Shankarappa A9, A1 Gurappa, A13 Nagarada Ramanna, A39 Lingoji and others were the leaders of this Prabhat Feri. While going in procession they used to sing songs and shout slogans "ಭೋಲೋ ಮಹ ತ್ಮಾಕಿ ಜೈ" A39 Lingoji used to say "ಭೋಲೋ ಭಾರತಮಾತಾಕಿ ಜೈ ಶ್ಯಾನುಭೋಗ ಗೌಡರ ಪುಸ್ತಕಕ್ಕೆ", he rest used to say "ಬೆಂಕಿ ಹಚ್ಚಿರಿ". A39 used to say "ಅಧಿಕಾರಿಗಳೇ" and the rest used to shout "ರಾಜಿನಾಮೆಕೊಡಿ". A39 used to say "ತಾಲ್ಲೂಕು ಕಚೇರಿಗೆ, ಪೋಸ್ಟಾಫೀಸಿಗೆ", and the rest used to shout "ಬೆಂಕಿ ಹಚ್ಚಿರಿ". They were shouting slogans like this going in procession between 8 and 10 A.M. They used to disperse at 10 A.M. Two of them used to hold congress flags and one of them used to beat a gong; M. Os. 18 and 19 are those flags which were being taken in procession by them. M. O. 20 is the gong used by them. This belonged to Veerabhadradevara temple. The name of the temple is inscribed on it. This went on for nearly two months since the arrest of Mr. Gandhi. Then the High School students had come to the village. I then made a report of this to the Amildar and another to the Police as per Exhibit P17 on 6-9-1942. On 27-9-1942 my father and the Shanbhogue Ranganatha Rao came to my village from Isoor. They brought their clothes under their arms. When I questioned them why they came like that they told me that when they were seated in Gowreswara temple some girls came and called them stating that their Amildar called them and that they refused to go.

They also told me that afterwards they were taken before their Amildar Jayappa A26 and that they were made to stand on one leg as they refused to join the congress. On 28-9-1942 in the morning I, my father and Ranganatha Rao started at 8 or 8-30 A.M. to go to the Taluk Office which is 3 miles from Shikarpur. We reached Shikarpur at about 10 or 10-30 A.M.

We learnt there that the Amildar, Inspector and 8 or 10 others had gone to Isoor then. I and my father then started to go back to our place and then to Isoor. We came to our village. We learnt in our village that the Amildar visited our village and then proceeded to Isoor. I then proceeded to Isoor to see the Amildar. My father stayed back as he felt tired. I reached Isoor at 12 NOON or 12-30 P.M. When I reached the gate of that village I saw people moving about in the village with clubs calling "ಜೈ" I then went through Adikarnatakar Street to the hittal of Poojari Veerappa and School Master Puttappa to see what was going on in the village. I then saw the Amildar and the Sub-Inspector were dead and that their bodies had been tied to a firewood heap. Blood was flowing over their body. Police Inspector and Revenue Inspector had been tied back-to-back to a pole. Jettappa had been tied to the firewood heap. Sattar Sab too had been tied to that heap near the Revenue Inspector. These persons appeared to be dying with blood oozing from their body. There were people then near these persons with clubs. Among them I saw A1 Gurappa, A3 Suryanaranachar, A9 Sankarappa, A13 Ramanna, A20 Nageshachari, A38 Siddamma and several others who are not in court now. (The Public Prosecutor states that he is not getting the names of the absconding accused elicited now.) All these were holding clubs and standing here and there. There were 500 or 600 people there. I then returned to my village to give information to my father about this. It was then 1-45 or 2 P.M. I told what I saw to my father. He told me to give information of this to the Police and to the Sheristedar. I then went on my bicycle to Shikarpur and reached it at 2-30 or 2-45 P.M. I gave information to the Sheristedar. He asked me to give the information to the Police. I then went to P. W. 2. Daffedar Lingappa and told him what I saw and gave a complaint as per Ex. P16. As I was tired and afraid I stayed away in Shikarpur. On 29-9-1942 I went with the Deputy Commissioner and other Sahebs to Isoor at 2-30 P.M. or 3 P.M. There we saw a pendal in front of Isoor with a board and a black flag. The following was written on the board. "ಬೇ ಜವಾಬ್ದಾರಿ ಅಧಿಕಾರಿಗಳು ಬರಕೂಡದು ಬಂದರೆ"..... We went to Veerabhadra Temple. There we saw M. Os. 18, 19 and 20 in that temple. They were in the Garbha Gudi on the left of the deity. They seized them. Many things had been written on the beams of the temple with chalk piece. Some of them were as follows :—ರೈತ ಬಾಂಧವರು ಕಾಂಗ್ರೆಸ್ಸಿಗೆ ಸಹಾಯಮಾಡಿ, ಗಂಧದ ಮರ, ಈಚಲಮರ ಕಡಿರಿ. ಸರ್ಕಾರಿ ಅಧಿಕಾರಿಗಳಿಗೆ ಮನ್ನಣೆ ಮಾಡಬೇಡಿ. ಮನ್ನಣೆ ಮಾಡಿದವರ ಮನೆಗೆ ಬೆಂಕಿ ಹಚ್ಚಿರಿ. ಕಚೇರಿ, ಪೋಸ್ಟಾಫೀಸಿಗೆ ಬೆಂಕಿ ಹಚ್ಚಿರಿ. ಅಧಿಕಾರಿಗಳು ಇಲ್ಲಿ ಕೂಡ್ರಲು ಯೋಗ್ಯತೆ ಇಲ್ಲ. ಅಧಿಕಾರಿಗಳನ್ನು ಕಡಿಯಿರಿ, etc. The officer copied these writings. We saw on the road in front of the temple a black patch of something having been burnt. A little further on the green grass we saw a piece of the burnt leather belt and a leather ring and some half burnt leather articles. The officers seized them also. A little further the firewood heap referred to above was found. Some wood had been removed from

this heap. There were marks of burning in front of this heap. It appeared about 10 ft. of green grass had been burnt down and in one place a large patch had been burnt. There were burnt pieces of bamboo sticks. There was a pole in front of the firewood heap. It appeared to have blood-stains. It had been fixed to the ground. The officers seized it and sealed it. This is M.O. 21. There were 3 or 4 clubs behind the temple. They were also seized. These are M. Os. 12 to 15. A mahazar was held with regard to articles seized. I have signed it. Exhibit P18 is this mahazar. I do not know who wrote it. Then I went back with the officers to Shikarpur. M.O. 22 is the piece of the leather belt found at Isoor. M. O. 23 is the burnt pieces of bamboo found there. M. O. 24 is the black flag found on the village gate. M. O. 25 is the board hung on the village gate over the pendal. On M. O. 25 is written "ಬೇ ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರದವರು ಊರಿಗೆ ಬರಕೂಡದು ಬಂದರೆ"....

On 30-9-1942 the Police searched some houses in Isoor. In some houses there were old men and women. I went only to A39 Lingoji's house. A39 was not there but his father was there. On 29-9-1942 there was no person in the village and the whole village was desolate. Some books and documents were found in A39's house at the time of search. On 6-10-1942, I again went with the Police to Isoor. Police searched some houses then. At about 6 P.M. that day I saw A10 Halamma in the presence of Deputy Commissioner, Police Inspector and Sub-Inspector in the temple. She stated then that her husband had thrown a revolver in a well of her house. We went to that well. One Devanga Huchanna got down the well and brought a revolver from the well. The Police seized it under a mahazar. This is M. O. 17. There is a nuggi tree behind the house of Sowcars Rudrappa and Basavannappa. These two live together. We saw underneath that tree the Police 2 Monograms "M. S. P." and three other articles. These are M. O. 26. A mahazar was held then and these articles were seized.

On 19th October 1942, on the information given by Jayappa A26 we found two revolvers in the hittal of Sowcars Basavannappa and Rudrappa underneath the tree. They were hidden in a Tatrani, an eathern receptacle. It was hidden in the earth. Tatrani is M.O. 27. The two revolvers found in it are M.O. 28 and 29. All these were seized under a Mahazar by the Police.

Exhibit P 19 to 19 (m) are the books and papers seized in the house of A39 Lingoji. I have attested these documents. Further examination stayed for want of time.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
3-11-1942.

Witness recalled and further examined.

Duly sworn,
4-11-1942.

Sowcar Rudrappa and Sowcar Basavannappa are brothers and live together. A10 Halamma is the second wife of Basavannappa. A26 Jayappa is the daughter's son of Sowcar Rudrappa. Santhaveerappa *alias* Swami is the son of Sowcar Rudrappa. A7 Hutcharaya and A12 Durgappa *alias* Durgoji are brothers. A19 Hanumanthappa and A21 Subbarayappa are brothers. A25 Chairman Basavannappa and A32 Gamada Sivappa are step brothers. A9 Shankarappa and A34 Gowda Ramanna are cousins. A22 Chennabasappa is the younger brother of A37 Parvathamma. A33 Chendrasekarappa and A40 Gurushantappa are cousins. On the information given by A19 we traced the shanbhogue and patel's records buried in the hittal of Sowcar Rudrappa and Basavannappa below a tamarind tree. A 19 pointed out this spot. M.O. 30 is this bundle of record. He pointed this out on 1st November 1942. The Police seized it under a mahazar. One day Gangamma of Isoor told me that there were two cycles in the hittal of Tirthappa. I gave this information to the Police. One Nagavandada Bharmanna was instigating Isoor people not to pay kandaya and to drive away the public servants.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
4-11-1942.

Witness recalled and cross-examined.

Duly sworn.
23-11-1942.

Cross-examination by Mr. B. R.—I am examined at the inquest. I have not mentioned the names of any accused then. I am examined by the Investigating Officer. I have not told him that there was a slogan in the temple to the effect that the Government Officers should be cut. I was in Isoor on the 29th and 30th September. Afterwards I was occasionally visiting Isoor. On 30th September 1942, I saw P.W. 40 Sivappa and P.W. 14 Shankarappa in Isoor. I did not see them in any mahazar to my knowledge. "Prabhat Feri" was going on in my place. I had not joined it. On 5th September 1942, I had seen in the temple the slogans that Government servants should be cut. I have not reported this in Exhibit P17. I am not a congress leader in my village. I was a member of the All-India Congress. I resigned it and gave resignation to Andani Siddalingappa three or four months back. He is the President of the Mysore Congress Committee in my place. I have not delivered congress lectures in the meeting. I attended two or three congress meetings in Gama. I did not attend the meetings of 23rd September 1942, and 25th September 1942, or of 28th August 1942. I am not aware if P.W. 18 has made a report as per Exhibit P33 (b) stating that I delivered a lecture in the meeting. A30 Hutcharaya pays assessment to Isoor and Harigehalu lands.

Cross-examination by Mr. R. K. J.—Four years ago I was the President of the Congress Committee at Gama. My father was not aware that I was associated with Congress President. I may not have mentioned the name of A20 Nageshachari when I was examined by the Investigating Officer.

Crss-examination by Mr. K. S. Sastry.—I saw at a distance of 15 feet the place where the injured and dead persons were tied down. The crowd was at a little distance from these persons, *i.e.*, at a distance of 25 cubits. I did not talk to P.W. 52 and P.W. 33 then. On 29th September 1942, I saw the Sub-Division Officer in Shikarpur. I did not see him at Isoor. The Police examined me on 29th September 1942, at about 8 P.M. I was examined by *Ex-Officio* First Class Magistrate. Sowcar Basavannappa's house is half a furlong from the temple. Sowcar Basavannappa's house is 100 yards from the road. It is three or four feet below the road level. There is an old foundation in front of his house. P.W. 6 Rudrappa's house is 50 yards from Sowcar's house. There might be three men deep water in Sowcar's well out of which the revolver was found. It was 6 P.M. when the revolver was found.

Cross-examination by Mr. H. R. G.—On 28th September 1942, at 5 P.M. I saw Maddi Siddappa at Shikarpur. Three years ago there was a big congress meeting in my place.

Cross-examination by S. C.—I signed Exhibit P 19 at the time of mahazar on 30th September 1942, in A39 Lingoji's house. I have told the *Ex-Officio* Magistrate that all Isoor people have committed these crimes.

Re-examination.—As I was still in fear I did not give the names of the accused I saw in the scene of occurrence. When I saw A20 in court I was remainded of his presence in the scene of occurrence. I see that P.W. 33 calls P.W. 51 as (ಭಾವ).

(Sd). A. SUNDARARAJA RAO,
Special Judge,
23-11-1942.

Deposition of Channabasaviah. P.W. 4.
Father's name—Rudriah.
Age—61.
Caste—Lingayet.
Occupation—Patel.
Residence—Gama.

Duly sworn,
4-11-1942.

I am the Patel of Isoor. I was on leave from 22nd August 1942 for one month. My son P.W. 3 was then acting as Patel. Congress activities like Prabhat Feri were going on in Isoor. Sowcar Santhaveerappa *alias* Swami, Basavannappa, Nirvani Halappa, Paniappachar A5, A3, Suryanarayanachar, A20 Nageshachar, A18 Neelakantappa, A9 Sankarappa, A41 Ranganna, A11 Siddalingappa and others were taking leading part in Prabhat Feris. They were singing songs and shouting

slogans saying that sandalwood and teak trees should be got cut and that Kandaya should not be paid and that Government servants should be disgraced if they came to the village and similar things. Nagavandada Bharmanna started this. Sowcar Basavannappa was the leader of this movement. Bharmanna used to stay with Basavannappa. On 25th September 1942 I had gone to Isoor with Shanbhogue Ranganatha Rao for collection work. We had taken our records with us. We went there and sat in Veerabhadra temple and sent for A25 Basavannappa through Thalawar. A25 came there and promised to help us in collection from the next day. Then Sowcar Basavannappa came there. We told him the object of our visit. He went away. Then A19 Hanumanthappa and some boys came there. A19 then sounded the gong M.O. 20, A26 Jayappa and other boys and girls, 20 or 30 in number, came there and asked me to remove my turban and to put on a khadi cap and to resign the Pateli Office. I tried to pacify them. They went away. Then I went to Puttappa's house to drink water leaving the Shanbhogue in the temple to look after our records. More boys came to the temple again. I came there and found that my records as well as Shanbhogue's were not there. I asked A26 and other boys to give back the records. They denied having taken them. Then A3 came there. I complained to him about the loss of records. The boys compelled us to go away to our place. About 60 or 70 boys were there. I and Shanbhogue both went to Angadi Halappa as he was the congress leader and I complained to him what the boys had done. He did not pay any attention to my complaint. I sent for A3 then. I could not get him. Then I and Shanbhogue went to Shikarpur that evening and gave two reports the next morning to the Amildar and to the Sub-Inspector as per Exbihits P20 and P21. I and Shanbhogue have both signed them. The Amildar advised us to prevail on the boys and to get back the record.

The Sub-Inspector said that he would enquire. On 27th September 1942 I and Shanbhogue again went to Isoor at 12-30 or 1 P.M. and sat in Ganeswara temple. About 30 or 40 boys and girls came to us there and told us to resign our jobs and to put on caps and to go to their Amildar. I asked them who their Amildar was and refused to go. We started to go to our place. These boys and girls followed us for some distance. Some 20 or 30 grown up boys including A21 Subrayappa stopped us then and called us saying that Amildar wanted us. We tried to sit there. But they held our hands. Then we proceeded to Isoor. Near the village gate the drum was beaten. There was a pendal in which there was a table and two chairs. Jayappa A26 was seated on one of the chairs representing the Amildar. There were flower garlands there. I was called before him and asked to fold my hands. A26 told me that I had to be examined. He asked me why I had come there. I told him I had come on duty. He asked me to give resignation for Pateli Office on the ground that he had told me to do so. I refused to resign. Then he made me sit at a distance. Then Shanbhogue was then examined. Again I was sent for. Then A26 gave a judgment stating that since we had acted against the congress Government we should pay a fine of Rs. 10 and in default to stand for 3 days or 3 hours. Basavannappa had told me at first that we should abide by the decision of his Amildar Saheb. We said that we were unable to pay Rs. 10 but that we would stand for 3 hours. A26 told us to stand on one leg. We were compelled to stand. Fifty boys had lathies there. We were threatened with beating. I pleaded for mercy stating that I was too old. They made me stand on both legs. The Shanbhogue's coat and cap were removed and he was made to stand on one leg. They treated us like this for 2 hours. They also beat us. Then they gave me a Rashtra Flag and asked to me swear that I would not go to Isoor without resigning Pateli Office. I took that oath. Shanbhogue was also made to take a similar oath. Then he and I left to our place. The next morning on 28th September 1942 I went with my son P.W. 3 and the Shanbhogue to Shikarpur to tell the Amildar what happened at Isoor. We reached Shikarpur at 10-30 A.M. There we learnt that the Amildar, the Inspector, the Sub-Inspector and others went to Isoor. I and my son then started back to our place and reached it. I learnt in my village that the Amildar's party had come to my place and had gone to Isoor. As I was then tired I sent my son to Isoor. He returned at 2-15 or 2-30 P.M. My son P.W. 3 told me then that the Amildar and the Sub-Inspector were dead and that the others of their party were in a precarious condition. I told him to go immediately on a bicycle and to give this information in Shikarpur Taluk Office. He started at once. I went to Shikarpur at about 5 P.M. The next day I came to Isoor with the Deputy Commissioner and others at 2-30 P.M. Then some articles were seized under a mahazar. There was none in the village except old men.

On 30th September 1942 also there were two mahazars in Isoor. I have attested them. Then in front of A17 Hutcharayappa's house there was a club which had blood-stains. It was seized. There was none in his house then. It is M.O. 16. That day in the hittal of A29 Sanna Rudrappa a cap worn by a Police man was found. This is M.O. 31. A29 was not at home then. It was also seized then. I am examined by the Police and at the inquest.

Cross-examination by A9.—Prior to 22nd September 1942, I had not gone to Isoor.

Cross-examination by others.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-1942.

Witness recalled and further examined. Duly sworn,
4-11-42.

I see M.O. 30. That contains all my records. The bags containing them are also mine.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO.
Special Judge.
4-11-1942.

Witness recalled and cross-examined. Duly sworn.
17-11-42.

The congress movement was active from the commencement of August 1942 in Isoor. I had not sent any report about this as the Isoor villagers were conducting Prabhat Feri. In my village also it was going on. I had kept my records in a bag. The shanbogue's records were on the bag. There were only boys when I went to drink water and when I returned. Only three or four boys were seated in the temple premises. One of them is Mooganna. In the temple itself I met Hanumanthappa and Thimmanna. I requested them to get the books from the boys. On 25th September 1942 I saw the Sub-Inspector. It was late then. So I gave the report next morning. I signed some paper in the pendal on 27th September 1942 but I cannot say what that paper is. There were 200 adults in the pendal then. There were some spectators among them. We left for Gama that evening at 6 or 6-30 P.M. I learnt near the middle school in Shikarpur on 28th September 1942 that the Amildar had gone to Isoor. This school is half a furlong from Taluk Office. The Baraward of Isoor Patel is in the family of A28 Gurusanthappa. It is in the name of the eldest son of A28. I am acting as Gumastha Patel of Isoor for the last 11 years. There was contest between me and A28 and his brother regarding the Pateli Office before the Deputy Commissioner. The decision of the Deputy Commissioner was in my favour two years ago. I have not asked for the Pateli baraward being transferred to my name. A28's father is Sivappa. A28 pays over 1,000 rupees as assessment. Whenever I go to Isoor I stay with Basalingiah. There were two parties in Isoor headed by A28's brother Mahadevappa and by Basavannappa, respectively for 20 or 25 years. For the last four or eight years there are no such factions. I had been suspended once from the Pateli Office. Then Odakappa was acting as Patel. I do not know if my son P. W. 3 Gurubasaviah is the leader of the congress in my village Gama.

Cross-examination by Mr. R. K. J.—I do not know for what reasons I was suspended. My son had gone to Isoor from Gama walking on 28th September 1942 and returned walking. He left for Shikarpur on bicycle that day. A3, A5 and A20 have lands in Isoor. I was present with the Police for some days during the course of investigation. For 15 days I was with them. I pointed out the several accused that had taken part in Prabhath Feri. P. W. 11 Alli Sab has only a thatched house and no lands in Isoor.

Cross-examination by Mr. A. P.—A26 is the son of Mallesappa of Thyavangi. I do not know the status of the latter. Basavannappa and Rudrappa pay Rs. 1,600 as kandaya every year. I do not know if on 27th September 1942 the fine inflicted on me was noted eleswhere. There was a murder case at Isoor before.

Cross-examination by Mr. H. R. G.—I was in Puttappa's house for half an hour on 25th September 1942. From August 1942 I have not collected any kandaya in Isoor. The house of A29 is adjoining the place where the Sub-Inspector and Amildar were murdered. A40 is the cousin of A33. A30 Sivappa's son's name is Gurusanthappa. I do not know if P. W. 30 had been arrested in this case. I used to identify if any person was brought before me by the Police on suspicion. I do not know if A28 was arrested instead of P. W. 30's son.

Cross-examination by S. C.—A9 lost his father four or six years ago. There is no ill-will between me and A9. No one has seen me. A21 Subbaraya obstructing me on 27th September 1942.

Re-examination.—A28's brother Mahadevappa was Patel before me As he was convicted in a Murder case I was appointed Patel in his place.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-42.

Deposition of Ranganatha Rao.—P. W. 5.
Father's name—Subbiah.
Age—30.
Caste—Brahmin.
Occupation—Shanbhogue.
Residence—Shikarpur.

Duly sworn,
4-11-42.

I am the Shanbhogue of Isoor. There was congress activity in that village. I and P. W. 4 had gone on 25th September 1942 to Isoor with our accounts for collection and Pahani. After going there we sent for A25 Basavannappa to assist us. He said he would do so next day. Sowcar Basavannappa also came there. We told him the object of our visit. He went away. Then A19 Hanumanthappa came and sounded the gong. A26 Jayappa and other boys came to the temple where we were seated. Then these boys asked us why we came to Isoor which was a congress village and also to give our dafters for being burnt. P. W. 4 advised them not to do so. Then they went away in Prabhat Feri. The Patel P. W. 4 went to the next house to drink water. Then 30 or 40 boys came there. I went to call the Patel. He came there. By the time we returned our Dafter was not there. A26 and other boys were still there. We questioned them what had become of the Dafter. They said they knew nothing. We complainedto A3 Suryanarayanachar. He did nothing. The boys compelled us to get away from the village. We then complained to Angadi Halappa about the Dafter. He did not reply. Then he sent for A3. He did not come. Then we went to Shikarpur. The next morning we gave reports Exhibit P20 and P21. I and P. W. 4 have signed them. On 27th September 1942, I and P. W. 4 again went to Isoor at 1-30 or 2 P.M. and sat in a temple. Then 30 or 40 girls came and called us saying that their Amildar wanted us. We refused to go. We said that we would go away to our place and started. We came 2 or 3 furlongs. Then A21 Subbanna and others stopped us and we tried to sit there. But they dragged us and took us to Isoor. There in the eastern gate of the village there was a pendal with a table and two chairs and a board in it. That board is M. O. 25. In that pendal A26 Jayappa was seated representing the Amildar. P. W. 4 was examined first before him. Afterwards I was examined. About 100 adults including Sowcar Basavannappa, Shanthaveerappa, Angadi Halappa, A5 Paniappachari A20 Nageshachar, A3 S. N. Achar, A41 Rangappa and A9 Shankarappa, A11 Sidlingappa were there. There were also 100 boys. A26 questioned me and P. W. 4 why we came to that village though we had been asked not to do so and asked us to resign our jobs. Then they searched my coat and took out the draft report to the Police. It was read out to every one and I was described as treacherous. My coat and cap were taken. I and P. W. 4 were made to sign the draft report. Sowcar Basavannappa said that we must undergo the punishment inflicted by the Amildar. A26 then said that he had fined us Rs. 10 and in default to stand in the Sun on one leg for 3 days or 3 hours. I was beaten on my leg and made to stand on one leg. I stood like that for two hours. Then they made me and P. W. 4 swear with the khaddar flags M. O's. 18 and 19 that we would not visit their village without resigning our jobs. They threatened that if we visited their village again without resigning we would be burnt alive. That evening I and P. W. 4 went to Gama. Next morning I and P. W's. 3 and 4 went to Shikarpur to complain to the Amildar and to the Police. We learnt that the Amildar and others had already left for Isoor. I then gave a report Exhibit P15 to the hands of P. W. 2 Daffedar Lingappa. On 29th September 1942 and 30th September 1942 there were mahazars in Isoor by the Police. I attended them. On 2nd October 1942 there was

a mahazar. Six cycles were found in a drinking water pond. One Mohamedan and Ujjanappa removed them from the water. A mahazar was held then. These bicycles were identified then. On 3rd October 1942 cycles were found in the hittal of one Thirthappa. They were also seized under a mahazar. On 6th October 1942 a revolver was found in the well of Sowcar Basavannappa. This is M. O. 17. It was seized under a mahazar. M. O. 30 is the dafter containing the records of the Patel.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-42.

Recalled the witness and cross-examined :— Duly sworn.
17-11-42.

Cross-examination by Mr. B. R.—One or two months prior to the occurrence I had knowledge that congress activities were going on in Isoor. I have not reported about this. I alone gave the report Exhibit P 15. Patel has not signed Exhibit P 15. I gave Exhibit P 15 in the Police Station. I did not see which of the boys removed our records and books in Isoor. There were none in the temple when I went to call Patel who was in Puttappa's house. The boys were all in the angala of the temple then. I mentioned the incident to Angadi Halappa in Thewadigere Street. We met Punaji Chennabasappa and told him of the loss of the books and records. Gangamma was present near the temple then. I cannot name the others. Gowreswara temple is three-fourths furlong from the pendal in the village gate. Sixty or seventy children were in the pendal then. There were 70 or 80 adults also there. Some were sitting and some were standing. My pockets were searched after Patel was examined.

In the draft report referred to above I had stated that our records were taken away while in the temple and that A26 and others had come then.

I have not mentioned in Exhibit P15 that I and Patel sign the draft report which was in my pocket at the desire of the people in the pendal. A30 Hutcharaya was present in the pendal then as a spectator. We were left off at 5 or 5-30 P.M. from the pendal then. They gave my coat but not the cap. I wore my coat after I was released. I had put the coat on my shoulder. I put on the coat in Chikjogihalli. I know A6 Veerappa. Veerappa has taken possession of my property by force during my ancestor's time. I was with the Police during investigation for 5 or 6 days. I did not tell A6 that if he did not give back my land I would include him as an accused in this case.

Cross-examination by Mr. R. K. J.—P. W's. 30 Sivappa and 25 Basavannappa are cousins. P. W. 30 has a son Gurusanthappa. A3 is a member of the village panchayet. A3 told me that he would enquire and get our dafter from the children. A3 was helping me in publishing proclamations, etc., in the village.

Cross-examination by Mr. A. P.—I do not know who the father of A26 is. A26 is the daughter's son of Sowcar Rudrappa. The latter pays Rs. 900 and odd as assessment for Isoor. He pays income-tax. Formerly the Sowcars were helping me in Government collections. Government servants were not staying with the Sowcars whenever they went to Isoor.

Cross-examination by Mr. H. R. G.—I called the Patel from the place where I was in the temple. My records and patel's records were in the same bag. I was standing in the stone mantap when I called the Patel. Master Puttappa's house is a thatched house. That house has tadike walls. There are holes in this tadike walls. Nevalagal Master Sidlingappa, Hatcharayappa have seen that we were made to stand on one leg.

Cross-examination with permission by Mr. B. R.—I am examined by the Police. I have not told the Police that A3, A5, A20, A41 and A9 were present in the pendal on 27th September 1942. Their names are not noted in Exhibit P15.

Re-examination.—The place where I had kept the records in the temple was 10 or 15 cubits from where the children were standing. Last year and before that A3 was assisting me in executing sale proclamations.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-42.

Deposition of Rudrappa. P. W. 6.
Father's name—Basappa.
Age—68.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly Sworn,
4-11-42.

On a Monday about a month back at about 12 NOON the Amildar, the Sub-Inspector, 4 or 5 Police Constables and the Revenue Inspector came to Veerabhadra temple, Isoor. As soon as they came there a gong was sounded in the temple. Then people from each street began running with clubs in hands towards that temple. About 100 or 150 people assembled there. I then went to the temple to see why so many people were going there with clubs. When I was about 50 yards from the temple I saw people throwing caps, coats and shawls of Government servants, *i.e.*, of the Amildar, Sub-Inspector and the Police. Then the Sub-Inspector was beaten with clubs. Amildar also was beaten with clubs. The Police people were also beaten with sticks and clubs. In that crowd who were assaulting the above-said public servants I saw A1 Gurappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappa, A7 Hutcharaya, A9 Shankarappa, A13 Dodda Ramanna, A19 Hanumanthappa, A29 Sanna Rudrappa, A31 Sanna Sivappa. All these had clubs in their hands and beating them.

A5 Paniappa, A4 Gurusanthappa and Swami and many others were hitting the Sub-Inspector with clubs.

A1 Gurappa and A2 Malappa were hitting the Amildar with clubs along with others. After he was assaulted the Sub-Inspector fired shots with a revolver. Then the beating increased. I got afraid as these people were assaulting the Government servants who were like our fathers. I then went away. I then came to know that the Amildar and the Sub-Inspector were both dead. I did not come out of the house that day. Benne Imam Sab's house is 150 feet from my house. While I was going to his house one Policeman rushed into the house of Imam Sab pursued by 7 or 8 people.

Cross-examination by A7.—A7 was present in the crowd and he was beating them with a club.

Cross-examination by A19.—A19 was present in the scene of occurrence.

Cross-examination by others.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-42.

Witness recalled and cross-examined.

Duly sworn,
18-11-42.

Cross-examination by Mr. B. R.—My house is about 100 yards from the temple. The Amildar and his party were on the road when I saw them. I did not notice any of the P. Ws. there then. The Amildar and his party were each surrounded separately by the crowd. By the time I saw Amildar and his party their clothes had been removed except a knicker and banian. After their clothes were removed they were beaten. The Sub-Inspector fired shots. The Sub-Inspector fired shots after he and others were beaten by people. I saw who all beat them before the Sub-Inspector fired his revolver. I was about 10 yards from the place they were beaten. I did not talk to any one. There was a murder case at Isoor. A prosecution was going on in that case. A28 Gurusanthappa was an accused in that case. I and Sowcar Basavannappa were prosecution witnesses in that case. There are two streets in Isoor known as Patel's street and Sowcar's street. There was ill-will between Sowcars and A28 till 10 years ago. A28 Gurusanthappa had not joined the Congress. I did not see him in the crowd. I do not know whether he was in the crowd or not. There were about 50 children in the crowd. Some were crying in the crowd and some were beating the Amildar and his party. The children had not been beaten by any one. The children were being asked to clear out. I did not see if any women were in the crowd. The little children from all houses used to go generally for Prabhat Feri. P. W. 30 has a son Gurusanthappa. P. W. 14 Sankarappa has a son Banappa. These were not going to Prabhat Feri. The sons of P. W's. 14 and 30 were not in the crowd then. There were none on the temple pial when I went there.

Cross-examination by Mr. R. K. J.—The Sub-Inspector fired four shots. I did not see how many people were injured by these shots and prostrated. I did not see any one injured by gun shot. I had not gone with any club then. The Amildar and Sub-Inspector were at a distance of 10 to 15 feet from each other. The Sub-Inspector was beaten first and immediately the Amildar and others were also beaten. I do not know the population of my place. The house of A3 and A5 are adjoining Nadage Rudrappa's house. I was there for ¼ hour.

Cross-examination by S. C.—There were 8 Government servants there. There were 100 or 150 people then. I cannot give the names of the people in the crowd. I do not know if a gong is sounded daily in Veerabhadra temple.

Cross-examination by Mr. K. S. Sastri.—Pooja is performed daily in Veerabhadra temple at 10 A.M. generally. I do not know if Pooja is performed at 12 NOON on some days. I saw from my hittal the Amildar and others going on the road. Five minutes later I saw the *galata*. The gong was sounded after the Amildar came. I cannot say how many were in the crowd without clubs. Twenty or Twenty-five people were without clubs. I knew Sowcar Rudrappa's people well. The Police have examined me. I have stated before the Police that A1 and A2 beat Amildar. I know A17 Hutcharaya. I did not see him in the crowd then

Cross-examination by Mr. H. R. G.—I have to pass through P. W. 7's house on the way to my house from the temple. I saw P. W. 7 then in front of his house. I saw A11 and A2 in the crowd. They are not residents of my place. I cannot say who all removed the clothes of Amildar and his party and who were flying them in the air. I cannot say who were spectators in the crowd and who were the assailants in the crowd. I know A6. A6 is in a depopulated village called Yerekatte. All our cattle are grazed in that village. On the day of occurrence A6 was in Yerekatta. He had not come to Isoor. Yerekatte is about 6 miles from Isoor. There is one Kammara Erappa in the village. He is known as Natakesina Veerappa. There were 2 or 3 cases of theft of timber against him and was convicted in those cases. A6 Veerappa is not called Natakesina Veerappa. He was convicted recently and fined in the criminal court for bringing two wooden pieces from the forest. Natakesina Kammar Erappa had been arrested by the Police and kept in custody for 12 or 13 days. After he was released A6 was arrested. I do not know if I have told the Police A7 and A19 Hutcharaya and Hanumanthappa beat the party. I have stated above them.

Re-examination.—Kammar Veerappa had been convicted within the last two years. A6 was convicted and fined for theft of timber one or two months back

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
18-11-42.

Deposition of Imam Sab. P.W. 1.
Father's name—Mohamed Sab.
Age—60.
Caste—Mohamedan.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
4-11-1942.

On a Monday about a month ago I was in my house. I came out after food. Then I saw at 12 NOON hundreds of people assembling in front of Veerabhada temple with clubs in hands. A little later Police Constable Isakmiah Sab rushed into my house with fear. I sent him to the hittal. Then Sowcar Basavappa, Swami, Angadi Halappa and A9 Shankarappa came to my house with clubs and entered my house and asked me if a Police man had come there. I told them to see if he was there. They looked into my house and went away. Then many people came and entered my house with clubs and searched my house and went away.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-1942.

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Witness recalled and cross-examined :— Duly sworn, 23-11-1942.

Cross-examination by Mr. B. R.—P. W. 19 is the son-in-law of my brother-in-law. I am examined by the Police. I have not told the Police that the people in the crowd had clubs. My house is three-fourths furlong from the temple. I too had evacuated the village as others in the village did so.

Cross-examination by Mr. R. K. J.—I did not hear the revolver shot. P.W. 19 Isakmiya was not looking back when he was running. P.W.19 ran through my house to the tank. He did not stay in my place.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-1942.

Deposition of Buden Sab. P. W. 8.
Father's name—Alli Sab.
Age—25.
Caste—Mohamedan.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn.
4-11-42.

I am aware of the occurrence in question on a Monday at about 12 NOON about a month ago. I was coming near the village gate with cut grass. I heard the sound of the gong and the adults, male and female, of the village running towards the temple with clubs in hands. I reached my home and sat there. I heard two or three firing of shots. I came near the Veerabhadra temple to see what it was. There I saw Angadi Halappa and A9 Shankarappa beating the Sub-Inspector with clubs along with others. A22 Chennabasappa and many others whom I do not remember were beating the Amildar. Angadi Halappa and A41 Rangappa were beating Police Constable Ramiah with clubs along with others. Sowcar Basavannappa was instigating the crowd to assault those people saying "ಸುಮ್ಮನೆ ಯಾತಕ್ಕೆ ನಿಂತಿದ್ದೀರೋ—ಹೊಡಿರೋ ಸೂಳೇಮಕ್ಕಳಿರಾ ಏನು ನೊಡುತ್ತೀರೋ". He had also a club in his hand. I then went home out of fear. A little later I came out and saw the Amildar and the Sub-Inspector being tied to a firewood heap. They were still alive. Two others also had been tied to a post. They had blood all over their bodies. The Amildar and the Sub-Inspector had each a net banian and a knicker on their bodies. Their clothes had been burnt there.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-42.

Witness recalled and cross examined :— Duly sworn, 18-11-42.

When I went to the scene of occurrence I saw the Amildar and his party on the road. I saw P. W. 6 Rudrappa Poojari on the temple pial. Twenty or thirty others were seated on the pial. No children had been lying injured or crying there. I did not see who removed the clothes of the Amildar and his party. These people had clothes still on their bodies when I left them. There were 50 or 60 people in the crowd. Half of them were unarmed. The revolver shots were fired after the Amildar and his party were beaten by the crowd. Even after the revolver was fired the crowd beat the Amildar and his party. I was not present when the revolver was fired. I do not know what had happened before the firing. There are two factions in our village headed by Patel Mahadevappa, brother of A28, and by Sowcar. These two parties do not mix with each other and do not talk to each other. A28 and his brother belong to one faction. A28 had not joined the Congress activities. I did not see A28 in the crowd on the date of occurrence. That morning he went away to Arsinagere 1½ miles from Isoor. He has lands there. He returned to Isoor after sunset that evening. I know A17 Hutcharaya. I did not see A17 in the crowd. A6 Veerappa is not called Natakesina Veerappa. There is one Kammara Erappa. There were two or three cases of theft of timber against him.

Cross-examination by Mr. R. K. J.—A20 has a smithy shop at Kalmane. He lives both at Isoor and Kalmane. A3 cultivates his lands in Isoor. A2 lives in Kalmane. The latter is three miles from Isoor.

Cross-examination by Mr. K. S. Sastri.—My house is half a furlong from Veerabhadra temple. There are 300 or 400 houses in Isoor. There is Congress activity in my place. The people of five or six houses had joined Congress. I stayed till the end watching the disturbance. I went away home and came back again. None of the Mohamedans had joined Congress in Isoor. 5

Cross-examination by Mr. H. R. G.—My house is on the road adjoining the temple. I was at home for a while and came to the scene of occurrence. I heard the revolver shot while still at home. The Amildar and his party had received injuries by the time I went there.

Cross-examination by S. C.—It was 12 noon or 1 P.M. when I went there. 10 I heard the gong at about 12 NOON or 1 P.M. I did not attempt to rescue any one. Some people were questioning why they were being beaten. A1 Gurappa lives in my place and not in Arsingere. I live in Talavar Krishnappa's house. A41 has not purchased this house from Krishnappa. I am not resisting him A41 from taking possession of the house. I know A22 Chennabasappa. He had not com- 15 plained against me stating that I had stolen his paddy.

Re-examination.—I, A22, A41 and A9 were in the crowd that day. Two, three or four years ago there were timber theft cases against Kammar Erappa.

(Sd.) A. SUNDARARAJA RAO,
Special Judge. 20
18-11-42.

Deposition of Mr. D. V. Subba Rao—P.W. 9.
Father's name—Venkappiah.
Age—46 years.
Caste—Brahmin. 25
Occupation—Sub-Assistant Surgeon.
Residence—Shimoga.

Duly sworn,
4-11-1942.

I am in the District Hospital, Shimoga, for the last 18 months. I had seen 30 A4 Gurushanthappa and A5 Paniappachari. They were both admitted in the District Hospital on 29-9-42 at 6 P.M. as in-patients. I examined them then.

A4 Gurushanthappa had the following injuries :—

1. A circular punctured wound with a diameter of 1/8", edges inverted situated just below the labole of the right ear, can be probed to about ¾". The wound is 35 charred.

2. A circular punctured wound with a diameter of 1/3" situated just below the right malar eminence. The edges are inverted. Probe can be passed to a distance of about 1". There was perry tensular indulation on the right side. Exhibit P22 is the certificate I have given in respect of A4. 40

I found the following injuries on A5 :—

1. A circular punctured wound with a diameter of 1/8", edges inverted situated 1" above the insertion of the right deltaoid muscle. Probe can be passed to a depth of 1". The wound is charred.

2. A circular punctured wound with a diameter of 1/3", edges inverted situated 45 1" above and slightly behind the posterior right auxiliary fold. Probe can be passed to a distance of ¾". Exhibit P23 is the certificate I have given in respect of these injuries.

The injuries in the case of these two A4 and A5 could have been caused by a gun shot. The Police had written a letter Exhibit P24 and sent a revolver M.O. 28. 50 M.O. 28 can cause these injuries as written by me as per Exhibit P24 (*a*). The revolver could have been fired within a range of a yard or two to cause these injuries. I have brought the accident register maintained in the hospital. This is Exhibit P25. Exhibit P25 (*a*) and P25 (*b*) relate to A4 and A5, respectively. A4 and A5 gave me the history of their injuries which I have noted in column No. 10 of 55 Exhibit P25 (*a*) and P25 (*b*). They came in a bullock cart to the hospital.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-42.

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Witness recalled and cross-examined :— Duly affirmed.
20-11-42

I have a revolver with me. The range of a revolver is generally a yard or two The charring of the wound indicates the range of the revolver.

5 *Re-examination.*—Nil.

(Sd.) A. SUNDARARAJA RAO
Special Judge,
20-11-42.

Deposition of Srinivasa Murthy. P.W. 10.
Father's name—Venkatasubbiah.
Age—47.
Caste—Brahmin.
Occupation—Manager, D. S. P's. Office, Shimoga.
Residence—Shimoga.

Duly sworn,
4-11-42.

Since nine months I work as Manager of D. S. P's Office. We used to receive S. B. reports from the Police at Shikarpur once a week. I have brought six such reports Ex. P 26 to P 26 (*c*). Ex. P 26 (*a*) (1) to P 26 (*e*) (1) are enclosures to Ex. P 26 (*a*) and P 26 (*e*), respectively. Police Constable No. 340 K. Siddappa produced one sealed bundle containing 11 clothes and one wooden pole and one bamboo club for being sent to the Chemical Examiner. Siddappa had brought these from Isoor village on 3rd October 1942 from Police Inspector with a letter Ex. P 27. We sent these articles with the same Police Constable to the Chemical Examiner with a letter Ex. P 28. On 9th October 1942, we got the Chemical Examiner's certificate Ex. P 29 in respect of these articles. The enclosures to Ex. P. 29 are Ex. P 27, 28 and 30 and 31 with two sample seals Ex. P 32 and 32 (*a*). I sent Ex. P. 29 to P 32 (*a*) to the Police Inspector, Shikarpur, with instructions to get back the articles sent for examination direct from the Chemical Examiner. The seals were in tact when I sent the articles to the Chemical Examiner.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-1942.

Witness recalled and cross-examined.— Duly sworn,
24-11-1942.

Every day special diaries of this case were sent to my office. They were being received from the camp of the D. S. P. By reference to these dairies I say that the dates and receipts of diaries are noted in the rubber date seal. I have not signed any case diaries for their receipt in the office.

Re-examination.—As soon as the diaries are received they will be dated with the date seal. The D. S. P. had already initialled them and so I did not sign them again. The date seal will be in my charge.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-42.

Deposition of Alli Sab. P. W. 11.
Father's name—Imam Sab.
Age—60.
Caste—Mohamedan.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
4-11-1942.

On a Monday a month back there was disturbance in my place at about 12 NOON or 12-30 P.M. I was taking food then. A gong was sounded in Earanna's temple then. I came out after food. I saw men, women and children coming from different streets with clubs and going towards Erabhadrappa's temple or Eranna's temple. I followed them to see why they were going with clubs. I went to the temple. I saw the Amildar, the Sub-Inspector and others near the temple door. Some Policemen also were there. The children were removing the caps and the head vastra of the Police and throwing them in the air. The Sub-Inspector

was advising them not to behave in this way, 100, 150 or 200 people had assembled then with clubs. Then the Sowcar Swami held the garment of the Sub-Inspector and asked him to remove it. Sowcar Rudrappa and Sowcar Basavannappa were moving there with clubs in hands. These two told the people assembled there ಹೊಡಿರೊ ಏನುನೋಡುತ್ತೀರಿ. A1 Gurappa, A4 Gurushantappa, A5 Paniappa, A7 Hutcharaya, A11 Siddalingappa, A18 Neelakantappa, A19 Hanumanthappa, A21 Subbaraya, A33 Chandrasekarappa, A37 Parvathamma, A33 Siddamma, A40 Gurushanthappa, A17 Hutcharayappa, Sowcar Basavannappa, Sowcar Rudrappa, Sowcar Swami and A26 Jayappa were among the crowd. After Basavanappa and Rudrappa instigated the crowd, A5 Paniappa A4 Gurusantappa beat the Sub-Inspector with a donne. Then 2 or 3 shots were fired. The rest of the crowd also beat the Sub-Inspector and all the policemen. I could not see who all beat the Amildar. I learnt that the Amildar and the Sub-Inspector later died. After the shots were fired Isak Sab ran away. I also ran away behind him. On a Friday following that Monday six bicycles were found in the drinking water pond. I and Ujjanappa traced, searched for these bicycles and took them out of the water. M. O. 32 to M. O. 37 are these bicycles. They were seized under a Mahazar.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
4-11-1942.

Witness recalled and cross-examined.— Duly sworn, 18-11-42.

Cross-examination by Mr. B. R.—When I went to the scene of occurrence I saw Amildar alone on the pial. The S. I. was below the pial. There were many boys and girls also. Hundreds of them near them. The Police did not charge the children with lathi then. I saw P. W's. 6 and 8 in that place on the road. I was also standing on the road. I cannot say who fired the shots. I did not see any one being injured with the shots. P. W's. 7 and 19 are related to each other. On Wednesday 30th September 1942 the Deputy Commissioner and Police Officers came to the village. They did not stay in the house of P. W. 14 Sankarappa. I know A28 Gurusanthappa. I did not see him in the crowd. I saw A6 Veerappa also in the crowd. He lives in my place but he grazes his cattle in Yerekatte. I cultivate the lands of A28.

Cross-examination by Mr. R. K. J.—I am examined yb the Police. I have told the Police that A5 was in the crowd and beat some people. I do not remember it. I was within 3 or 4 marus from the place the shot was fired. No one attempted to rescue the Amildar's party. I have a land in Arasingere. I purchased it from P. W. 30 this year under a registered sale deed for Rs. 80. I owe him Rs. 40 towards the price of this land.

Cross-examination by Mr. H. B. R.—I did not see if the Police when they came to my place had clubs. The Police were advising children not to remove the hats and turbans. The children were throwing them in the air. The Police were picking them up and the children were wresting them again. The children were laughing then. The Police were laughing then and telling the children not to do so. There were 100 boys and girls there. They were from the age of 4 and 5 to 10 years. No children were injured in that scuffle. I do not belong to Congress. Amildar's hat was being thrown out. A26 Jayappa was throwing out the hat of the Sub-Inspector. The S. I. was on the road when his hat was taken away. I cannot say in what portion of the body S. I. was injured first. He did not fall to the ground at the first beating. I cannot say if the S. I. and Amildar were beaten from behind. Sowcar Basavahnappa and Rudrappa were moving in the crowd itself. I do not know if the S. I. directed his shots towards children. I turned my face aside when the shots were fired. I then went home. The Amildar was on the pial when his hat was removed. Some one was with him then. I do not remember if I have told the Police that A4 was in the crowd.

Cross-examination by S. C.—A1 lives both in Isoor and Kalmane. He goes to Kalmane when he has work. A41 Rangappa has a house in my place. I do not know if he lives in Sirsi.

Re-examinantion.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
18-11-42.

Deposition of S. M. Devappa—P.W. 12.
Father's name—K. Nanjanna.
Age—33 years.
Caste—Kurubar.
Occupation—Compounder.
Residence—Shikarpur.

Duly sworn,
5-11-42.

Since three years I am compounder in Shikarpur Hospital. On 28th September 1942, I had lent my bicycle at about 9 A.M. to Police Constable Ramiah as he said that he wanted it for going to Isoor. M. O. 38 is my bicycle. On 15th October 1942, the Police Inspector showed M. O. 38. I identified it then.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO
Special Judge,
5-11-42.

Deposition of Gangamma—P.W. 13
Father's name—Sivappa.
Age—60 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
5-11-42.

Six days after the disturbance at Isoor two bicycles were found in the hittal of Tirthappa. I was going with my bullocks in the hittal of Thirthappa. The bullocks trod over the bicycles and I saw they were bicycles. I gave information of this to Gama Gowda's son. The Police came later and seized the two bicycles. I attested the mahazar then. That Gama Gowda is the Patel of Isoor.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
5-11-42.

Deposition of Shankarappa—P.W. 14.
Father's name—Banappa.
Age—66 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
5-11-42.

On a Monday over a month back the Amildar, the Sub-Inspector, the Inspector and some constables 5 to 7 in number came to my place. It was 12 noon then and I was taking food. A gong was sounded then. I thought the congress boys were doing like this as usual. Veerabhadra temple is 20 yards from my house. When I came out after food I saw hundreds of people in front of the temple with clubs in hands. They were beating the Sub-Inspector, Inspector and the Police people. I then stood on my pial. Then I heard a gun shot. I came out of the pial. I saw these people still beating the Sub-Inspector. Ranganna and A9 Sankaranna were beating the Sub-Inspector. A2 Mallanna and Hole Basappa were beating the Amildar among the persons I could identify. Amildar and Sub-Inspector were saying ಹೊಡಿಬೇಡಿರಪ್ಪಾ ಹೊಡಿಬೇಡಿರೋ. Inspite of this they were being beaten by the above said persons. In that crowd at that time I saw A1 Gurappa, A2 Mallappa, A3 Suryanarayanachar, A4 Gurusanthappa, A5 Paniappa, A7 Hutcharaya, A9 Sankarappa, A10 Halamma, A11 Siddalingappa, A13 Ramanna, A15 Vittoba, A19 Hanumantha, A20 Nagesappa, A22 Chennabasappa, A37 Parvathamma, A40 Gurusanthappa, A39 Lingoji and A41 Ranganna. Sowcar Basavannappa and A26 Jayappa, Sowcar Swami were also there. All the above said persons, both male and female, had clubs in their hands and were beating the Amildar and his party of Government servants. Sowcar Basavannappa was saying ಹಾಕರೋ ಏನು ನೋಡುತ್ತೀರಿ

ಹೊಡೀರೋ. He was moving about with clubs. The Amildar and Sub-Inspector died on the spot. I was at a distance. Then A40 Gurusanthappa, A1 Gurappa and A2 Mallanna brought the Amildar and the Sub-Inspector to a peg and tied them there to that peg near a firewood heap. A4 Gurusanthappa was brought and kept on the pial of my house saying that he had a gun shot wound. His women had surrounded him. A5 Paniappa was taken home stating that he had also received a bullet wound. Dastigir Sab applied medicine to A4. A4 was then taken to his house. The firewood heap referred to above was mine. It was in front of Veerabhadra temple. I had kept some crosswise and some lengthwise. The lengthwise firewood was of 2 men's height. Some people were tied to the vertical firewood. The clothes of Government servants had been taken away and burnt. They had only knickers and banians.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
5-11-42.

Witness re-called and cross-examined: Duly sworn, 18-11-42.

On Wednesday after the occurrence the Deputy Commissioner and his officers came to Isoor for the first time. Some Police Officers were with him. Before that they had not come. The Deputy Commissioner and his people did not stay in my house. They stayed in the temple. I have no youngsters to go to Prabhat Feri. I have not joined the congress. The whole village had been evacuated by the time the Deputy Commissioner came there on account of fear on the ground that they had killed public servants. I and my sons were in a house near our lands beyond the river then. P.W. 30 had left the village. The Amildar was on the road when I saw him in the crowd. He had his dress then. The crowd had started beating him when I went there. I heard one or two shots. I saw the Sub-Inspector fired it. The Sheikdar and Daffedar too had revolvers. I did not see if these two fired shots. The Sub-Inspector shot thrice. It was aimed against the crowd. A4 fell down from the gun shot wound. A5 also fell down from the gun shot. Then the crowd assaulted the Amildar's party and tied them. There was a case of murder against A28. I was also an accused in that case along with A28.

Cross-examination by Mr. R. K. J.—I saw the incident for half an hour. I cannot say in what order the several accused beat the party. I had not taken any club with me then. The Sub-Inspector was beaten on the road. Amildar was also beaten in the road. No one was beaten on the pial. P.W. 6 Rudrappa's wife has abandoned him three or four years' ago. A3 has lands. A5 has no smithy shop in Kalmane. He lives in Isoor. A20 lives in Kalmane and has a smithy shop there. He comes to Isoor now and then.

Cross-examination by Mr. K. S. Sastry.—I know A25 Basavannappa since 25 years. There is dispute between Sirigere Mutt and Balehalli Mutt. I belong to Sirigere Mutt. A22 belongs to Balehalli Mutt. There is no ill-will between us on this account. I saw three or four women in the crowd. I saw all the incident on the road standing at a distance of about 20 feet. The Amildar and Sub-Inspector and others of their party were 20 feet from me. About 10 or 18 people formed the party of Government servants. Amildar and seven people formed his party. Each of them was standing one maru apart. All of them were beaten simultaneously. The 10 or 18 people referred to above favoured the Police party that came with Deputy Commissioner. I cannot say which of the accused A1, A2 and A40 tied the several injured persons to the poles. Ten or 20 people among the crowd had clubs, the rest had no clubs. I and other P.W.'s stay together in this place. Even to this day after 6 P.M. or 7 P.M. no one is allowed to go out of Isoor. The military are stationed in Isoor.

Cross-examination by Mr. H. G. R.—The accused referred to above by me had clubs in their hands. I did not see A33 Chendrasekarappa in the crowd. I did not see who gave water to the injured.

Cross-examination by S.C.—I did not notice A24 in the crowd. I did not see A25 also in the crowd. A1 lives in Isoor. A41 was living in my village on the date of occurrence. He had also joined the congress movement.

Cross-examination by Mr. R. K. J.—The father of A15 does not stitch my clothes. Nothing is due to him on this account. Sowcar Rudrappa was a witness against me in the murder case. I and Rudrappa have been friendly since seven or

eight years. Amildar Rudraradhya effected a compromise between us. I take food in his house when invited.

Re-examination.—I was acquitted in the murder case. This was five or six years ago.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
18-11-42.

Deposition of Kencha—P.W. 15.
Father's name—Hanuma.
Age—40 years.
Caste—Koramaru.
Occupation—Agriculturist.
Residence—Churchugundi, Shikarpur.

Duly sworn,
5-11-42.

Isoor is two miles from my village. I am aware of the disturbance at Isoor on a Monday about a month ago. Erappa, Kadappa, Jafer Sab and 50 others were going in front of my house from my village to Isoor talking on the way that the congress people of Isoor had assaulted the Amildar and Sub-Inspector. I followed them. We went to Isoor at about 5 P.M. There we saw the Amildar and the Sub-Inspector lying dead. The Police Daffedar and the Constables and the Inspector were still alive. The Amildar and the Sub-Inspector had both been tied with a rope to the firewood heap. They had both been tied with their hands backwards and the two thumbs of each had also been tied together with a rope. Both the arms of both had been tied with a rope to the firewood heap. The Sheikdar and one Police Officer had been tied back to back to a pole M.O. 21 ಕವ್ವ. Their hands were behind them and they had been tied round their arms. Ramiah and Jettappa had been tied with a rope to the firewood heap. Their arms too had been tied. Another policeman also had been tied there near by. The Sheikdar and the Police Officer regained consciousness after we went there. Their whole body was covered with blood. They wanted water. No one gave water. Then Kadappa asked some body to get water. The water was got there and given them. I and Phakeerappa untied them by cutting the rope with a sickle. Then they drank water. Ramiah was unconscious. Jettappa was conscious. Phakeerappa untied the rope by which he had been tied. Kadappa then got two carts in Isoor. We put the two dead bodies and Ramiah in one cart and others in one cart. We got another cart on the way. We took all these persons and the dead bodies to the Shikarpur Hospital and delivered them to the Police.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
5-11-42.

Witness recalled and further examined.

D. A.
5-11-42.

Zamaruddin Sheriff, Venkatapathi, Abdul Sattar and Ramiah are the four injured persons referred to above. They are now before Court.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
5-11-42.

Deposition of Phakeera—P.W. 16.
Father's name—Vekatanna.
Age—40 years.
Caste—Koramaru.
Occupation—Agriculturist.
Residence—Churchugundi.

Duly sworn,
5-11-42.

On the day of disturbance at Isoor I went to Isoor with some people of my place. At Isoor I saw the dead bodies of Amildar and Sub-Inspector tied to a firewood heap. Some five others had also been tied to a firewood heap. We united

the ropes tied to the dead bodies with a sickle. We untied these five others. We put the dead and injured persons in two carts and on the way we got one cart. We left the dead and injured at the Hospital in Shikarpur.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO, 5
Special Judge.
5-11-42.

Deposition of Mr. B. Suryanarayana Rao.—P. W. 17.
Father's name—Narasimhaiya.
Age—51 years. 10
Caste—Brahmin.
Occupation—Sub-Division Officer.
Residence—Sagar.

Duly sworn,
5-11-42. 15

At 7 A.M. on 29th September 1942, I held the inquest at Shikarpur Hospital over the dead bodies of Mr. Chennakrishnappa and Mr. Kenche Gowda. It was over 10 P.M. I examined 15 witnesses and recorded the statement of 14 of them. One witness Ramiah was not in a fit condition to give coherent answer. I have noted in the inquest report the injuries found on the dead bodies. I handed over the dead 20 bodies to the Sub-Assistant Surgeon, Shikarpur, for post-mortem examination.

Ex. P1 and P2 were sent to me and I sent them to the Investigating Officer.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge. 25
5-11-42.

Witness re-called and cross-examined. Duly sworn,
23-11-42.

Cross-examination by Mr. K. S. Sastri.—Before 2 P.M. I examined nine witnesses. After 2 P.M. I examined the rest. At 2 P.M., I handed over the bodies to the Sub- 30 Assistant Surgeon. I took 1½ hours to make a list of injuries on the bodies of the deceased. P.W. 3 Gurubasaviah's examination took about 20 minutes. Churchugundi Kadappa was present at the time of inquest. I have not examined him. I wanted to examine him. He said that he would feed his bullocks and come back. He never turned up again. I permitted the Investigating Officer to see the records 35 of the Inquest after 12 midnight. Three or four months prior to occurrence I visited Isoor last. It is a big village with a population of 1,500. On 1st October 1942, I visited Isoor again. About 200 people were there then. I asked the witnesses at the inquest to narrate what they saw and what they heard. I was camping at Isoor from 1st October 1942 to 5th October 1942. 40

Cross-examination by S. C.—Prior to this occurrence I visited Isoor only once.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
23-11-42 45

Deposition of Suryanarayana Rao—P. W. 18.
Father's name—Subbanna.
Age—28 years.
Caste—Brahmin.
Occupation—Police Constable.
Residence—Shikarpur. 50

Duly sworn,
5-11-42.

I am in Shikarpur since two years as Police Constable. I used to visit Isoor now and then to report political occurrences and meetings there. Exhibits P33, 55 P 33 (*a*) and P 33 (*b*) are the S. B. reports I have made in that connection. I have referred to A3, A5, A9 and A39 in Ex. P33. In Ex. P33 (*b*) I have referred to A3, A5 and A9. On 26th September 1942, I had told Guttappa, Police Constable of Siralkoppa, who went to Isoor to let me know the political activities at Isoor. On 28th September 1942, I was at Shikarpur on duty in the Special First Class 60

(79)

Magistrates's Court. At about 2-30 P.M. that day P. W. 2 Lingappa, Daffedar, told me that the Amildar, the Sub-Inspector and others had been killed and that I should go to Shimoga at once on a bicycle and give information to the District superintendent of Police. Then the telegraph wires had been cut. I went to Shimoga at 4-30 P.M. I went seven or eight miles on bicycle. I met the Assistant Engineer there. I told him what had happened at Isoor and took his car and went to Shimoga. At Shimoga I gave this information to the Treasury Assistant Commissioner who was in charge of the Office of the District Superintendent of Police. He sent 15 Reserve and five ordinary Police Constables in a bus. I came back with them to Shikarpur. On 3rd October 1942 I arrested four accused. I do not remember their names. On 4th October 1942, I arrested five persons including A23 Veerabasappa. I do not know the names of others. I arrested three persons on 7th October 1942, including A 40. On 8th October 1942, I arrested A41. On 28th October 1942, I arrested A18 Neelakantappa. He was found in Dodbathi, Davangere Taluk. On 2nd October 1942, six bicycles were found in a pond in Isoor. These are M. O.'s 32 to 37. M. O. 37 belonged to Sub-Inspector deceased Kenche Gowda. Exhibits P 26, P 26 (*a*), P 26 (*b*), P 26 (*c*), P 26 (*d*), P 26 (*e*) are in the writing of the deceased Kenche Gowda. Exhibits P 33, P 33 (*a*) and P 33 (*b*) my reports are initialled by Kenche Gowda.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
5-11-42.

Deposition of Issak Mia.—P. W. 19.

Father's name—Peer Sab.
Age—36 years.
Caste—Mohamedan.
Occupation—Police Constable.
Residence—Shikarpur.

Duly sworn,
5-11-42.

On 28th September 1942, I accompanied the Amildar, the Taluk Inspector the Sub-Inspector, the Daffedar, Well-Overseer Seshachar, Sheikdar Muniappa and Police Constables Ramiah and Venkatapathi Jettappa to Isoor. We all went on bicycles and reached Isoor at 12 noon visting Gama Village on the way. At Gama the Amildar advised some villagers to behave well. We stayed in Gama for half an hour and then proceeded to Isoor on bicycle. We left all our bicycles at Jogihalli School. Jogihalli is half a mile from Isoor. We went walking to Isoor as the road was not good. From Jogihalli, A1 Gurappa accompanied us to Isoor. We reached Isoor gate when we saw a board tied to two poles containing the following words:—"ಬೇ ಜವಾಬ್ದಾರಿ ಸರ್ಕಾರದವರು ಬರಕೂಡದು ಬಂದರೆ". We removed that board. This is M. O. 25 and went inside Isoor to Veerabhadra temple. When we went there 10 or 12 people came with Congress flags in their hands and sounding gongs. Those flags were similar to M.O.s 18 and 19. There were both adults and children where with flags. After we went there some one sounded a gong. The Inspector Mr. Zamiruddin Sheriff snatched that gong. A1 again snatched the gong from Inspector's hand and sounded it. As soon as he sounded the gong both male and female adults and children came from the village with clubs and firewood pieces in their hands to the temple where we were. 200 or 300 such people came there. Santhaveerappa *alias* Swami advised all our party to wear Gandhi caps and to resign Government service. The Amildar and the Inspector were trying to persuade him not to do so. By that time the people there snatched the Sub-Inspector's hat and the turbans of myself and the other Police Constables. They snatched the lathis we had in our hand. Rachavalli Rudrappa and Basavannappa, Sowcars, told the people there that we had gone there to arrest them and that we should all be killed. Santhaveerappa put his hand on the neck of the Sub-Inspector and pulled him down holding his uniform. Then A3 Suryanarayanachar, A4 Gurusanthappa, A5 Paniappa began beating the Sub-Inspector. The people there began beating me and others of our party with clubs. A21 Subbaraya beat me with a club on my left shoulder. I got afraid and was running away in the village. The Amildar had not been beaten when I ran away. The Sub-Inspector and other Police Constables had been beaten and they were lying when I ran away. When the Sub-Inspector was beaten he fired two or three shots from his revolver. His revolver was snatched and he was further beaten. I was beaten thrice when I was

running. I rushed into P. W. 7's house. A37 Parvathakka and others pursued me there. Then I went into the pond and took shelter in the weeds. After it got dark I returned to Shikarpur. I saw A3 (he calls him Nageshachari). A5 Paniappa, A4 Gurusanthappa, A9 Sankarappa, A21 Subbaraya, A16 Hanumantha, A23 Veerabasappa, A20 (he calls him Suryanarayanachari), A24 Thejanna, A28 Gurusanthappa, A37 Parvathakka among the crowd coming armed with clubs to the temple. A9 Sankarappa snatched my turban. Sowcar Rudrappa, Basavannappa, Santhaveerappa, Hole Basappa, Angadi Halappa also were there armed with clubs.

After going to Shikarpur in the evening I went to the Hospital at 9-30 or 10 P.M. I got dressed for injuries and remained there as in-patient. On 29th September 1942, I was examined by the *Ex-Officio* First Class Magistrate on the evening of 29th September 1942. I and other injured were taken to McGann Hospital. At the time we went to Isoor, the Sub-Inspector had entrusted a box containing 17 cartridges. This is M. O. 39. I returned this to Rajan Setti, Sub-Inspector, on 12th October 1942. M. O. 35 is the bicycle on which I had gone to Isoor on that day. I had taken it as a loan from one Gurusanthappa. I will be going to Isoor now and then as I have relations there.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
5-11-42.

Witness re-called and cross-examined. Duly sworn,
20-11-42.

Cross-examination by Mr. B. R.—P. W. 31 Dastagir Sab's daughter has married my elder brother. I visit P. W. 31 occasionally. There was no dispute between P. W. 31 and A28 so far as I know regarding any land that is said to have been leased by A28 to P.W. 31. I was going on duty to Isoor. Then there were no congress activities. Fifteen or 20 children were near the temple when we went there. There was conversation between them and the Amildar for 2 or 3 minutes. When the gong was sounded first 20 or 25 people came. When it was sounded again 200 or 300 people including males, females and children came there. As soon as we went there our head dress were removed. The children removed our lathis first and then took away our head dress. We did not resist then. None of the children was injured then. All of us were on the road about 8 or 10 feet from the temple. The Amildar alone was on the pial. There were no children on the pial from the beginning. The Inspector went up the pial after A1 snatched the gong from him. When we were beaten, the Inspector and Amildar were on the pial. As we were being beaten, I heard the revolver shots. I did not fall down after the beating. I ran away. I cannot say if I saw any of the P. Ws. then. I had kept the cartridges in the right pocket of my coat. It was in my pocket when I was hiding in water. I was in water from 12-30 P.M. to 7-30 P.M.

Cross-examination by Mr. R. K. J.—The water was neck deep. There were a lot of leeches in the water. It stung me all over. We got angry when our head dress were taken away. We never struck the children with lathies. I was within a maru from the Sub-Inspector. The Sub-Inspector fired his revolver after people began attacking him. I left the place after the shot was fired by the Sub-Inspector. The temple is about 50 yards from Imam Sab's house. His house is 4th house counting from the temple.

Cross-examination by Mr. M. S. Rao.—The Sub-Inspector was moving here and there while firing shots. I cannot say who snatched the revolver from the Sub-Inspector.

Cross-examination by Mr. H. B. S. Rao.—I am examined on 29th September 1942 by the Investigating Officer and the Sub-Division Officer. The latter examined me at 11 A.M. and the former at 12 noon. I have not told the Investigating Officer that A23 was present in the crowd. The cartridges were in a cardboard box. It became wet. I was sitting within 50 yards from the temple in water. A21 beat me while I was standing on the road. I cannot say who were on my side then. I cannot say who were on either side of A21 when he beat me. I had kept the cartridges in my house in Shikarpur till I returned from the Hospital.

Cross-examination by S. C.—I did not see if any one met us when our party and A1 were going to Isoor from Chikkajogihalli. I do not remember if I have deposed before the inquest holding officer that I was hiding in tank. I have not

told the Police during examination that A9 removed my turban. I forgot then. I did not know A9's name then.

In the scuffle I cannot say who beat whom first.

Re-examination.—Nil.

5 (Sd.) A. SUNDARARAJA RAO,
Special Judge.
20-11-42.

Cross-examination by Mr. B. R. with permission.—I have deposed as per Exhibit D2 before the Investigating Officer.

10 (Sd.) A. SUNDARARAJA RAO,
Special Judge.
20-11-42.

Deposition of Srinivasa Rao.—P. W. 20.
Father's name—Dasa Bhagavath.
15 Age—38 years.
Caste—Vaishnava Brahmin
Occupation—Photographer
Residence—Shimoga.

Duly sworn,
5-11-42.

20

The Police had taken me to Isoor on 3rd October 1942, to take a photograph of the writings on the beams of a temple there. Exhibits P34 to P39 are the copies of the photographs I have taken then. Exhibit P34(a) to Exhibit P39(a) are the negative plates of these photographs.

25 *Cross-examination.*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
5-11-42.

Witness re-called and cross-examined. Duly affirmed.
28-11-42.

30

At 4 or 5 P.M. I reached Shikarpur that day (3rd October 1942). On 4th October 1942 at 10 A.M. I took the photographs. On 3rd October 1942, I did not go to the temple. I took 2 or 3 hours to take these photographs. No one wrote those slogans before me. These slogans had been written with white chalk piece.

35 *Re-examination.*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
28-11-42.

Deposition of P. Krishnappa.—P. W. 21
Father's name—P. Venkatanarasimhalu
40 Age—28 years.
Caste—Vaisyaru.
Occupation—Police Constable.
Residence—Bangalore.

Duly sworn,
45 5-11-42.

I have been placed on special duty at Isoor from 30th September 1942. I am still at Isoor. On 11th October 1942, I discovered the monogram "M.S.P." of the Inspector at about 2 P.M. by the side of a wall behind Sowcar's house under a 50 Nugge tree. The Sowcar's house had been set on fire by accident and we had gone there to quench the fire. I then placed a constable to watch the monograms and sent information to the Police Inspector. The Inspector came and saw them and seized them under a mahazar. These are M.O. 26. These were black in colour when I saw them. They had been burnt.

55 *Cross-examination*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
5-11-42.

Witness re-called and cross-examined. Duly affirmed.
17-11-42.

I was in Shikarpur till 7th November 1942 from 30th September 1942. On 30th September 1942, I left Bangalore. On 1st October 1942, I was in Isoor. A few old men and women were in Isoor. The rest of the people had left Isoor. I do not know why 24 of us had gone to Isoor from Bangalore. On 10th October 1942, Sowcar's house was on fire. Even on 11th October 1942, it was burning. It had a Mangalore tiled roof. A portion of the house in the rear verandah was saved. On 10th October 1942, the Deputy Commissioner was not present in Isoor. The District Superintendent of Police Mr. Babu Reddy and the District Superintendent, Shimoga, were both present in the camp at Isoor that day. I am not examined by the Police. At 1 P.M. on 11th October 1942, I went to quench the house which was on fire. Even the previous day we had quenched that fire. Still on 11th October 1942 the fire was smouldering.

Cross-examination by others.—Nil.

Re-examination.—Ni

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
17-11-42.

Deposition of Mr. H. S. Narayana Setti—P. W. 22.

Father's name—S. Thimmappa.
Age—31 years.
Caste—Vaisya.
Occupation—Assistant Engineer.
Residence—Anjanapur, Shimoga District.

Duly sworn,
6-11-42.

I am in Anjanapur since 3 years. I visit Isoor now and then as it is in my jurisdiction. On 23rd September 1942 at about 4 P.M., I visited Isoor on duty. When I was going on the road in Isoor that day I saw 30 or 40 boys going with 2 congress flags in procession singing songs and uttering slogans. My Surveyor N. Mallappa was with me. Mallappa got down to talk to some one. I also got down. Then the boys and girls surrounded us and asked us to give our hats for burning and to resign Government service. They advised us not to wear foreign cloths. I refused to resign my service. When I told them this they asked me at least to wear a Gandhi cap. One boy offered a dirty cap. I refused to wear it. Then they asked me at least to remove the hat and go bare-headed till the village gate was crossed. To avoid further consequences I removed my hat and went bare-headed.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
6-11-42.

Witness re-called and cross-examined. Duly sworn,
23-11-42.

Cross-examination by Mr. B. R.—I have not reported to any one what the boys did to me.

Cross-examination by Mr. R. K. J.—Nil.

Cross-examination Mr. K. S. Sastri.—Along the channel, if one goes to Gama from Isoor it will be 4 miles. It may be within a mile and a half across the fields between the two places.

Cross-examination by Mr. K. S. Sastri.—If one takes a vehicle he has to travel about 4 miles to go to Isoor from Gama.

Re-examination.—The rain-fall was normal in September.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
23-11-42.

Deposition of Mr. Mohamed Zameeruddin Sherif.—P.W. 23.

Father's name—Gulam Mohadeen.
Age—35 years.
Caste—Mohamedan.
5 Occupation—Police Inspector.
Residence—Now, Bangalore.

Duly sworn,
6-11-42

I was Police Inspector of Shikarpur from 13th August 1942 to 28th September
10 1942. There was Congress activity at Isoor and Gama during that period. I was receiving reports of these activities. From the time of Mr. Gandhiji's arrest this movement took a strong turn. Exhibit P26 series are the S. B. reports submitted to me by the Sub-Inspector regarding these villages. These are in the writing of the deceased Kenche Gowda except Exhibit P26 (*a*) (1) and P26 (*e*) (1). I have
15 submitted them to the D. S. P., for information. Exhibit P33 series the S. B. reports received from P. C., P.W. 18 Suryanarayana Rao. They are initialled by the deceased Kenche Gowda. I, the Amildar Mr. Chennakrishnappa, the Sub-Inspector Kenche Gowda, Daffedar Abdul Sattar, Revenue Inspector Muniyappa, and three Police Constables—Ramiah, Venkatapathi Jetti and Issakmia—went to
20 Isoor. On 25th September 1942, I received a report that the congress people of Isoor snatched the *khirdi* and other books of Patel and Shanbhog when they had gone to Isoor for collection work. Exhibit P20 is this report. The Amildar received this and sent it to me as per his order, Exhibit P20 (*a*). I sent it to the Sub-Inspector as per endorsement, Exhibit P20 (*b*). Exhibit P20 (*a*) is the writing of
25 Mr. Chennakrishnappa. On Exhibit P21 the Sub-Inspector Kenche Gowda has noted the presentation as per Exhibit P21 (*a*). On 26th September 1942, the Amildar told me that we may all go together to Isoor and Gama to advise the elderly people of the villages not to encourage such activities. Accordingly on 28th September 1942, we, the abovesaid persons left Shikarpur at 9-30 A.M., went to
30 Gama and then on to Isoor. Our idea in going there was to advise elderly people not to encourage younger boys in subversive activities and not to molest Government servants. When we left Shikarpur my Sub-Inspector Kenche Gowda had taken a revolver with him. The Revenue Inspector Muniappa had also a revolver. One Police Constable had also brought a revolver. The Sub-Inspector had infor-
35 mation that some bridges had been broken near Harogoppa and another in Hanbatti Road by Congress people and that they had also cut telegraph wires and that some British Indian Congress people were moving in that area. The Sub-Inspector wanted to go to the places where the bridges had been broken through jungles, after going to Isoor he had taken a revolver with him. At Gama we called the
40 elderly people and advised them properly. The Amildar went rount the village. From Gama we went to Isoor and reached it at 12-15 P.M. We left all our bicycles in a Primary School at Chikjogihalli, three furlongs from Isoor as the road near Isoor was bad. We all left Shikarpur on bicycles. At the entrance to Isoor we saw a board, M.O. 25 fixed to two poles with the inscription

45 Under the instruction of the Amildar we pulled down the board and left it there. Then we went inside Isoor and reached Veerasami's temple. As soon as we went there small boys and girls with Congress flags came to us. They surrounded us and questioned us why we entered the village stating that their village was a free land. One of them began beating a gong. I saw the boys and elderly males
50 coming with lathis. I snatched away the gong apprehending some danger. M.O. 20 is the gong. A1 Gurappa snatched the gong from my hands. A1 had followed us from Chikka Jogihalli to Isoor. A1 then beat the gong. Somebody removed my hat from behind when I turned and saw the hats and turbans of my Police Constables and Sub-Inspector had been removed. Their head dress had all
55 been thrown in the flood. The boys were kicking the head dresses. Some boys were pulling the uniform of the Sub-Inspector. By that time 300 or 400 people, mostly males collected near us. All of them had clubs in their hands. One Basavappa, a Sowcar of that place, was shouting
All were saying Then all the people of my party were assaulted.
Then I performed to the people and told them that we had not gone
60 there to trouble them and that we should not be beaten. The Amildar said the same thing. But still Sowcar Basavappa told the people to beat us

They all beat us. I was beaten on the back portion of my head. I fell down. Just a second later I heard the fire opened by the Sub-Inspector. When I was beaten, the Amildar, the Sub-Inspector and others of our party were also being beaten. I fell down on the road in front of the temple within a short distance from the Sub-Inspector. The Amildar and Sub-Inspector and others were also assaulted in the same road near me. A2 Mallappa hit me on the back of the head with a club. After I fell down, I saw the Sub-Inspector being belaboured severely and his revolver and clothes were removed. Some fair woman and Accused 1 and 2, Gurappa and Mallappa came to me and beat me with clubs and removed my uniform and cross-belt. These three removed my shoes also. That fair woman is now before court. She is A10 Halamma, the wife of Sowcar Basavappa. She had also a club in her hand and she beat me with it. Accused 1 and 2 beat me with clubs. After removing my dress, A1 Gurappa dragged me to a heap of wood and beat me. He tied me to that firewood heap in front of the temple with a rope. My left thumb was tied to a pole in the wood heap. In front of that heap there was pole fixed to the ground. I had been tied to the pole on my back with rope. The right thumb and the Revenue Inspector's left thumb were both tied together. The Revenue Inspector was also tied to the same pole with his back towards my back. A1 Gurappa tied also the Revenue Inspector to that pole. The Revenue Inspector had injuries on his head and body and was bleeding profusely. His clothes too had been taken away except banian and shorts. His both arms had been tied. Both of us were sitting back to back stretching our legs. M. O. 21 is that pole to which we were tied. In front of me the Daffedar and Abdul Sattar and P. C. Ramiah were tied to firewood heap. Both of them were profusely bleeding. Their clothes too had been removed. They . To my left the Police Constable Venkatapathi, the Sub-Inspector and the Amildar were tied to the wood heap. The Sub-Inspector's face was badly swollen and bleeding. Both his hands had been tied on the back. The Amildar was lying down with hands tied to the firewood pole. He was shouting for water. His dress too had been removed. No one gave water. Some one in the crowd threatened to burn us alive if any of their people died. After doing all this they went to the village gate expecting military people. They burnt all our dresses before the temple. The Amildar died after some time. When the Sub-Inspector was still alive A1 beat him on the head with a shoe saying that he was putting up cases against them. Then he died. He was also shouting for water.

I saw A1, A2, A3, A4, A5, A10, A18, A23, A11, A21, A30, A38, A39, A40 and A41 in that crowd in front of the temple. I do not know their names excepting that of A1, A21, but I can identify them. A21 tied my thumb with the Revenue Inspector's thumb. The women A10 and A38 and some others were guarding us when the males went to the village gate. A10 and A38 had clubs in their hands.

A11 and A1 assaulted the Sub-Inspector on his head with clubs. Others also beat him. I do not recollect who assaulted the Amildar and others.

By sunset Kadappa and Jaffer Sab removed me and others to the hospital at Shikarpur. The officer holding inquest examined me. The police also examined me on the next day. Next day I and other injured persons were taken to McGann Hospital, Shimoga. I was in-patient there till 27th October 1942. My left hand has still a bandage and there is plaster on my back. I am not still able to use my left hand. M. O. 28 is the revolver supplied to Shikarpur Police by Government. M. O. 40 a gold ring, M. O. 4 whistle with the cord, belonged to the deceased Sub-Inspector. M. O. 42 a gold wrist-watch with chain also belonged to him. M.O. 34 is the bicycle on which I went to Isoor. It was in the Police Station as a property in Crime No. 14—42-43 of Shiralkoppa.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
6-11-42.

Witness re-called and cross-examined

Duly sworn,
19-11-42.

During the period I was in charge as Inspector I did not take any action on S. B. reports received. I have gone through these reports. I see Gurubasaviah is

referred to Ex. P. 26 series. I do not know if he is P. W. 3. I have not ascertained who that Gurubasaviah is. The Sub-Inspector Rajanna Setti and the P. C.s of Shikarpur were not present when the identification parade was held near the Hospital. I do not remember it. P. W. 62 Narasimhachar, the Inspector, was present.

A1 Gurappa, A11 Siddalingappa, A10 Halamma, A38 Siddamma, A6 Veerappa, A7 Hutcharaya, A21 Subbaraya, A33 Chendrasekarappa, A5 Paniappachari, A41 Rangappa, A2 Mallappa, A18 Neelakantappa, A4 Gurusanthappa, A3 Suryanarayanachari, A23 Veerabasappa were among the crowd that assaulted us on that day (Note the accused were re-shuffled and their order was changed at the desire of the accused's counsel. The witness identified the above persons after the re-shuffling. Some of the accused exchanged their head dress). These are the persons whom I identified in the parade except A1 and A2. A1 and A2 were not in the parade. A1 Gurappa and A2 Mallappa beat me. A1 and A21 Subbarayappa tied my hands. A10 Halamma also assaulted me with a stick.

A11 Siddalingappa, A2, A1 and A6 beat the Sub-Inspector. Some others also assaulted him. As soon as we went to the temple I and Amildar went to the pial of the temple. The rest of the party were on the road. The boys and girls about 20 were on the road, 1 or 2 boys came on the pial and removed my hat and Amildar's hat. I cannot name these boys. These boys were 16 to 18 years. They did not assault us then. I cannot name the boy from whom I snatched the gong. It was snatched by me on the road. I got down the pial then. The other boys were removing the head dress of the Police Constables and Daffedar. They removed our head-dress. They did not persuade us to do so. All the Police Constables had lathis in their hands. The boys snatched the lathis from them. The Police Constables did not resist when their head dress and lathis were taken away. They were telling the boys not to do so. The distance between me and the Sub-Inspector was about 10 feet. My Sub-Inspector had a revolver in his hand. Not in his pouch. The Revenue Inspector P. W. 46 and Police Constable Jettappa, P. W. 32, had revolvers with them. 2 or 3 shots were fired by the Sub-Inspector that were in his front and assaulting them. I fell down so far as I know in the crowd. I cannot point him out now. There was no lathi charge by the Police Constables when the boys were removing our head dress. Ten to fifteen women were in the crowd. None of them was crying. All of us were beaten simultaneously in the place where we were all standing. We were standing near each other. The moment there was beating there were shots from the revolver. One after the other our party fell down after the beating. After the beating I reeled about 10 or 12 feet and fell down. From that place I was dragged to the fire woodheap. I had not lost consciousness. I cannot say who snatched the revolver from the Sub-Inspector's hand after I fell down at a distance. I do not remember where the Amildar was, when I was beaten. I think he was not on the pial. I did not see what happened to him. I do not know what happened to the revolvers of Jettappa and Revenue Inspector. From 12-30 P.M. to 6 p.m. I had been tied down. Some body assaulted me after I was tied. Police Constable Ramiah was also assaulted after being tied I identified 12 people in the parade including 2 women.

Cross-examination by Mr. H. B. R.—I do not know how many cartridges were taken. I cannot say at whose instructions Jettappa and Revenue Inspector took revolver. There were 23 cartridges in the Police Station. The Sub-Inspector took the revolver kept in the station. That was a six chamber revolver. I do not know when the Sub-Inspector loaded it. The other revolvers of Jettappa and Revenue Inspector were not loaded. I do not remember it. We did not expect to meet with serious trouble in Isoor. We did not expect mischief from children even. We went to Isoor at the instance of the Amildar to take back the books of Patel and Shanbhog. The Amildar requested Police help for this purpose. His instructions were oral. There were still the sentry and Treasury Guard Police Constables. There were none other in the Police Station then. That was the first time I visited Isoor. After I went to Shikarpur, the Sub-Inspector visited Isoor for the first time along with me. I had not known the residents of Isoor and Gama before that. The Amildar did not tell me to whom we should talk at Gama or Isoor. At Gama we visited Patel's house. Fifteen or 20 people were talked to by the Amildar at Gama. They promised to be loyal to Government. At Isoor we sent for the elders through Police Constable Jettappa. I do not know their names. I do not remember any one having coming there. We did not take

notice of S. B. reports. We thought that children's movement would die of itself. We were alarmed when bridges were demolished and telegraph lines cut. The Sub-Inspector reported that Isoor and Gama people destroyed. One bridge about 5 or 3 miles from Isoor in Harogoppa was destroyed. Another bridge 9 miles from Shikarpur had been broken. The telegraph wires were cut 2 or 3 miles from Isoor. I asked the Police Constables not to molest the boys when they removed our head dress. We had instructions from the higher authorities that no violence should be used for boys. Revolvers were taken only for self-protection. A week before we went to Isoor we learnt that British Indian people were interesting themselves in Isoor affairs. There is jungle between Isoor and Harogoppa. I have not seen it. There may be lions and tigers in this jungle. I do not know what happened to the lathis of Police Constable. We had no instructions that we should not be violent even if our uniform was removed. We had to resist if the boys removed our uniform. It is quite natural. I had not instructed my subordinates how they should act if our uniform were removed. I expected Isoor people to be quite going. When the Sub-Inspector was assaulted he took out his revolver. No one told him not to use the revolver. I do not know what happened to the other revolvers. I have not identified A6 in the identification parade. He was not present in the parade. I cannot say in which part of the body A1, A2, A10 beat me and how many blows each gave. I do not know the names of others except A1. I was examined only once by the Police. I have stated before the Police that the woman that beat me had 2 nose screws.

Cross-examination by Mr. R. K. J.—The Magistrate that held the inquest has examined me. I have never gone to the Lock-up to familiarising myself with the accused. My cross-belt was removed by A1. My shirt was removed by A2, A10 was asking me to remove my pants. Within 10 or 15 minutes after we arrived we were assaulted.

Cross-examination by Mr. H. R. G.—No one gave me water. A33 did not give me water.

Cross-examination by S. C.—I remember the face of A1. Lathis form part of the uniform of Police Constables.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
19-11-42.

Deposition of Budan Sab.—P.W. 24.
Father's name—Ismail Sab.
Age—34 years.
Caste—Mohamedan.
Occupation—School Peon.
Residence—Isoor.

Duly sworn,
6-11-42.

I am a peon in Sannjogihalli school. On a Monday over a month ago the Amildar and others left their bicycles in the Jogihalli school to my charge saying that they would go to Isoor. A little after they left the school about 30 people came from Isoor with clubs in hands. It was about 1 P.M. then. As soon as these came the teacher and boys went away and locked two rooms and also went away. I came back to the school in the evening. None of the bicycles left there was there. A21, Subbarayappa, A7 Hutcharaya were among the assembly of 30 people.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
6-11-42.

Witness re-called and cross-examined.

Duly sworn,
19-11-42.

Cross-examination by Mr. B. R.—There were 25 or 30 children in the crowd I cannot give their names. I was examined by the Police three or four days after the incident. I had not told this to any one before.

Cross-examination by Mr. H. B. S. Rao.—I am a peon since 10 or 16 years.

Re-examination.—There were many adults in the crowd.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
19-11-42

5

Deposition of Basavannappa—P.W. 25.
Father's name—Hallappa.
Age—28 years.
10 Caste—Lingayetar.
Occupation—Agriculturist
Residence—Isoor.

Duly sworn,
6-11-42.

15 On a Monday five weeks ago the Amildar and his party came to Isoor. It was about 1 P.M. I was taking food. I heard the sound of the gong. By the time I finished the food I heard a big noise. I then came near the mosque to see what it was. I saw the Amildar and Sub-Inspector being beaten with clubs. Hundreds of people had assembled and all had clubs in hands. A3 Soorappa, A9 Sankarappa, 20 A11 Siddalingappa, A10 Halamma were in that crowd. A3 and A8 Soorappa and Sankarappa and another Hale Basappa were beating the Sub-Inspector with clubs. A11 Siddalingappa and A10 Halamma were beating the Amildar with clubs. Sowcar Basavannappa was shouting to the crowd
I got afraid and went away with my bullocks.

25 *Cross-examination.*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
6-11-42

Witness re-called and cross-examined.

Duly sworn,
30 18-11-42.

Cross-examination by Mr. B. R.—I did not hear the firing of a revolver. The Amildar and the Sub-Inspector were on the road when I saw them. They had only a knicker and a banian on their body. There was none on the pial of the temple. 35 I saw P.W. 11 Alli Sab, P.W. 6 Rudrappa and P.W. 8 Budan Sab there. Alli Sab was near me. There is one Kammar Veerappa.

Cross-examination by Mr. R. K. J.—I have told the Police that I heard the gong sound. I have not told the Police that I heard the revolver shot as per Ex. D1. I did not hear the *galata* and the gun shot simultaneously. I was standing 40 about 4 or 6 marus from the Amildar. I did not see how many Government servants were there. I watched the incident for 5 minutes. I cannot say which of them beat first and whom.

I and P.W. 30 are *dayadis*. My lands and A3's lands are adjoining each other. I have not attempted to plant sugarcane on my land. Though A3 opposed it on 45 the hallifeast one live pig was buried in the ground in the village up to its neck. A3, A5 and A20 have not joined any party. They are brothers.

Cross-examination by Mr. K. S. Sastry.—There is no ill-will between me and the Sowcars. We are quite friendly. There are no factions in my village since four or six years. I have not gone to Sowcar's house for food. Ganigara Veerabasappa 50 is the brother-in-law of P.W. 30 Sivappa. The mosque is less than a furlong from the Veerabhadra temple. My house is about a furlong from the mosque.

Cross-examination by S.C.—A1 Gurappa lives in Arasingere since a year but he comes to my place frequently. A41 has been living in my place since three or four months prior to occurrence.

55 *Re-examination.*—The Sahukar has not invited me at any time for food.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
18-11-42

Deposition of Basavannappa—P.W. 26.
Father's name—Veerabasappa.
Age—23.
Caste—Lingayet.
Occupation—Merchant. 5
Residence—Chikkajogihalli.

Duly sworn,
6-11-1942.

On a Monday, on the day of disturbance at Isoor I saw about 30 people armed with clubs coming to my place at about 1 P.M. I was then going on bicycle. They 10 stopped my bicycle and asked me from where I came and whose bicycle it was. I told them that the bicycle was mine and that I was coming from Chunchagundi. They asked me where the bicycles of the Police were. I said I did not know it. A16 Hanumanthappa was in that crowd. Somebody cried out lower down saying the bicycles of the Police were there. They all ran away there. I went home. 15

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
6-11-1942.

Witness recalled and cross-examined: 20
Duly sworn, 19-11-1942.

Cross-examination by Mr. B. R.—There were 8 or 10 boys in the crowd. The rest were elders. I saw them about a furlong from the school.

Re-examination.—Nil

(Sd.) A. SUNDARARAJA RAO, 25
Special Judge,
19-11-1942

Deposition of Siddappa—P. W. 27.
Father's name—Siddappa.
Age—40 years. 30
Caste—Halumatha
Occupation—Police Constable.
Residence—Shikaripur.

Duly sworn,
6-11-1942. 35

On 29th September 1942, the doctor gave me 11 clothes for being delivered to the Inspector for sending these to the Chemical Examiner. I delivered them to the Inspector near the Hospital at Shikaripur. I delivered the dead bodies of the Amildar and Sub-Inspector to the Doctor for *post-mortem* examination. The Inspector put the 11 clothes in a bag and sealed them. M.Os 1 to 11 are these clothes. 40 He gave this bag and M. Os 16 and 21 with cover to be delivered at the District Superintendent of Police's Office at Shimoga. All these had been sealed on 3rd October 1942. I delivered them to District Superintendent of Police and on 4th October 1942, the District Superintendent of Police entrusted these M. Os with a cover for delivering them to the Chemical Examiner. I delivered them to the latter 45 at Bangalore on 5th October 1942 and returned. I had lent my bicycle to Venkatapathi Jettappa on 28th September 1942. M.O. 43 is this bicycle.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge, 50
6-11-1942.

Deposition of Guttappa—P. W. 28.
Father's name—Ramanna.
Age—40 years.
Caste—Devanga. 55
Occupation—Police Constable.
Residence—Shiralkoppa.

Duly sworn,
6-11-42.

On 26th September 1942, I was on leave and was going to my native place 60 Isoor with my wife. I met A9 Sankarappa in Shikarpur shandy. P. W. 18

Suryanarayana Rao asked me to get information about congress activities in Isoor. I reached Isoor in the evening. When I went to the village gate Basavannappa, A26 Jayappa, Swami, A3 Soorappa, A20 Nagesappa, A9 Sankarappa, A13 Ramappa, A11 Siddalingappa, A16 Hanumanthappa, A18 Neelakantappa and A22 Chennabasappa, A27 whose name I do not know, A29 Rudrappa, A31 Sanna Sivanna, A39 Lingoji, A41 Rangappa were near the gate and asked me to resign Government service. They said they would not let me in the village unless I resigned. Then I was taken to the temple by them with a 'Dondi light'. They broke open my trunk and looked my papers. In that trunk I had a list of 10 or 15 congress men of Isoor. Then I was taken to Sowcar Basavannappa's house. There they wrote a letter of resignation and asked me to sign it. I signed it. Then they said that I am a Government servant and that I may complain to the Police and that I should execute a pronote for Rs. 500. I executed a pronote for Rs. 500. Then they let me go but kept watch on me. On 27th September 1942, I was taken to Prabhat Feri. On 28th September 1942, the people cried out

People came with clubs. Then I ran way to Malalikoppa, eight miles from Isoor. On 2nd October 1942, I went to Isoor again. I traced A2 on 20th October 1942, A11 on 12th October 1942 and A16 on 11th October 1942. They were not found then. I am examined by the Police on 2nd October 1942.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
6-11-1942.

Witness recalled and cross-examined: Duly sworn, 17-11-1942.

I have given only the names of A9 Sankarappa, A26 Jayappa, A5 Paniappa, and A3 Soorappa, before the Police when I was examined by them. Both in the village-gate and temple I was advised to wear Gandhi Cap. I did not see any P. Ws. of this case when they told me so. I have stated before the Police that others also were present then. I have not told the Police that my trunk was got opened. One Bharmanna wrote the pronote. A20 Nagesappa attested it. On 2nd October 1942, I gave a report to the Inspector about this incident. I gave an oral report to him and went away. On that day the Inspector reduced my report to writing. I have not signed it. I was kept in the temple from 6 P.M. to next day 5 A.M. After 5 A.M. I was taken to Sowcar's house where the pronote was written. My signature was taken to two or three blank papers in Veerabhadra temple.

Cross-examination by Mr. R. K. J.—I did not get any jewels made from A5 for my marriage. I did not see any Police party when I ran away. I have not told the Police that people cried that Police were coming and that they should come with donnes.

Cross-examination by others—Nil.

Re-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-1942.

Deposition of G. L. Ameer Khan.—P. W. 29.
Father's name—Lal Khan.
Age—32 years.
Caste—Mahomedan.
Occupation—Forester.
Residence—Hariguppa, Shikaripur.

Duly sworn,
6-11-42.

On 28th September 1942, the road between Shimoga and Sikaripur three miles from Harogoppa the road had been blocked by cutting big trees and placing them on the road to cause obstruction to the carts and car. It is all jungle in that area. On the right of the road where the trees were cut there is a big mound on one side and a

deep valley on the . From that area one can go to Isoor in country path. On account of obstruction the road was completely blocked for traffic. On 29th September 1942, at 9 A.M. my guard came and gave information of the cutting of trees. Then I collected 10 or 16 people and took axes and sickles and went to that road to clear the obstruction. By that time the military were removing the small trees that had been cut. We also went and cleared the road by dragging the cut trees to a side.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
6-11-42.

Witness recalled and cross-examined: Duly sworn,
20-11-42.

On 23rd September 1942 also one tree had been cut and one draind destroyed to obstruct traffic. Isoor is four or five miles from Harogoppa either by road or country track.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
20-11-42.

Deposition of Dodda Sivappa.—P. W. 30.
Father's name—Rudrappa.
Age—60 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
6-11-42.

On a Monday at about 12 NOON the Amildar, the Sub-Inspector, Inspector and the constables came to Isoor. This was over a month ago. That day while I was taking food I heard the gong sound. Then there was *galata.* I came to my door and saw what it was. I then went to Veerabhadra temple. There I saw Sowcar Basavannappa instigating the crowd to assault the Amildar and his party. There were hundreds of boys and some adults. In that crowd then I saw A1 Gurappa, A2 Malappa, A3 Soorappa, A4 Gurushanthappa, A5 Paniappa, A7 Hutcharaya, A9 Sankarappa, A11 Siddalingappa, A13 Ramanna, A19 Hanumanthappa, A20 Nagesappa, A38 Siddamma, A39 Lingoji and A41 Rangappa, these clubs and pieces of fire-wood.

A1, A2, A3 and A9 beat the Sub-Inspector with clubs. A38 and A20 beat the Amildar with clubs. Many others also assaulted them. I got afraid and then went away.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
6-11-1942.

Witness recalled and cross-examined: Duly sworn,
18-11-1942.

Cross-examination by Mr. B. R.—The Amildar was below the temple pial when I saw him. There was none on the temple pial. The Amildar and his party had still their dress on their body but they had no head-dress. Hundreds of people were there then. There were 40 or 50 children then. I saw P. W. 11. Alli Sab then near Poojari Veerappa's fence. I never talked any thing looking at the mood of the crowd. A26 Jayappa, one Lingappa, one Erappa and many school boys were there. I did not see if these boys were demanding the head dress of the Police. I did not see my son Gurusanthappa in the crowd. I had evacuated the village after the incident. My son Gurusanthappa was not with me till Wednesday after incident. He too was not in the village. The Police were not searching for him. The Police had not kept me in custody for three or four days. They did not release me after promising to take me as a witness. P. W. 25 Basavannappa is my uncle's son.

Cross-examination by Mr. R. K. J.—I did not see whether P. W. 25 had gone to the scene of occurrence before me. He and I were standing at a distance of 20 feet from me. I saw P. W. 11 Alli Sab also there. He was standing near Poojari Veerappa's hedge. I saw A3 assault Sub-Inspector first. Then A2 beat him and then A9 beat him. The Amildar was beaten after the Sub-Inspector was beaten. No one attempted to rescue the Amildar. The Amildar did not go to the pial after he was beaten.

Corss-examination by Mr. K. S. Sastri.—The Police examined me on Wednesday after the occurrence. I have not stated then that A7 and A19 were in the crowd. I do not know if A12 is a tame man. I was an accused in a murder case along with A28. The Sowcar Rudrappa was a witness for prosecution in that case. Erabasappa is my brother-in-law. I do not know if he received a gun shot wound that day. I stayed in the scene of occurrence for about ten minutes. I did not hear any shot that day. My house is less than a furlong from Veerabhadra temple. I did not see A4 and A5 with gun shot wounds. The Amildar and his party were moving a little further after each beating. The Amildar was below the pial. I have not stated to the Police that A39 was there. I know Sowcar's women. I know A10. There were 10 or 15 adults and some school boys in the congress group. I have not joined the congress. When A38 lost her mother she came and requested me to help her in burying her mother's body. I did help in assisting her in burying her mother's body. P. W. 45 Veerappa is my grandson. I cannot say who had come with bamboo clubs and who had come with firewood clubs. I am one of the Yejamans of Lingayet. I decide panchayetis referred to me.

Re-examination.—I did not mention the names of A7, A12, and A39 before the Police as I was in fear then. I saw them in court and identified them. I am acquitted in the murder case.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
18-11-42.

Deposition of Sattar Mohamed Dastagir—P.W. 31.
Father's name—Mohamed Hayath.
Age—52 years.
Caste—Mahomedan.
Occupation—School Master.
Residence—Isoor.

Duly sworn,
6-11-42.

I am a teacher in Gama School. Sowcar Basavannappa, A3 Soorappa, A5 (he names him as Nagesappa), A7 Hutcharayappa, A9 Sankarappa, A15 whose name I do not know, A19 Hanumanthappa, A22 Chennabasappa, A26 Jayappa, A39 Lingoji were taking leading part in Prabhat Feris. They were shouting that they were free and that Government servants should be boycotted and that they should be killed and that kandaya should not be paid. They were saying that every body should join congress and that in case of failure their houses would be burnt. They were asking me to resign my job and to stand up when they come in procession. A day before the Amildar came, at 8 or 9 P.M. A39 Lingoji had come to my house for medicine. I advised him not to trouble the Patel and Shanbhog and to give up these subversive activities. He told me that his party expected Government that day and that they did not do so and that they were expected the next day and that I should see the fair after they came there. I told him that they would fire at his party before seeing fun even before his party bent down and took stones. He went away saying

At about 12 NOON on Monday all the people assembled in Veeranna's temple armed with clubs. They passed in front of my house. half an hour later A22 Chennabasappa, A37 Parvathavva, Angadi Halappa come to my house and wanted to enter my house in search of P.W. 19 Isakmia. They had clubs in their hands. I told them there were gosha women and that the women might go and see my house. I was then taken to A4 Gurushantappa. A4 was then seated in Sankarappa's house with a wound. I was asked to treat him. I asked him how he got tht injury. He told me that in order to prevent A26 Jaya being hit he went in frone

of him and got the injury. A20 Nagesappa took me to A5's house. A5 had an injury on his shoulder. I asked him how he got the injury. He told me that he wanted to avoid injury to Swami and that he was shot then. I treated both of them. On my way I saw Sowcar Basavannappa, Swami, A21, A11 near the dead and injured. 5

Cross-examination. - Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
6-11-42.

Witness recalled and cross-examined: Duly sworn, 10
20-11-42.

I have cultivated the land of A28 for Kandaya on Alave Tevere. My sons have cultivated this land. I cannot say if the entire land was cultivated by us last year. I have given A28 Rs. 20 towards kandaya. I still owe him Rs. 2 on this account. I was dragged by the people to treat A4 that day. 15

Cross-examination by Mr. R. K. J.—My house is about a furlong from the temple. My sons look after the lands. A3 and A20 took me to attend on A5. A5 was conscious when I went to him.

Cross-examination by Mr. K. S. Sastri.—No one was present when A39 Lingoji told to watch the fun next day. I owe nothing to A37 on account of rice. 20

Cross-examination by S. C.—I known A1. He does not live in Arasinagere but he lives in Isoor. There is no ill will between Hindus and Muslims in Isoor. I was in A5's house for 10 or 15 minutes.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO, 25
Special Judge.
20-11-42.

Deposition of Venkatapathi *alias* Jettappa. P. W. 32.
Father's name—Krishna Jetty.
Age—30 years. 30
Caste—Jetty.
Occupation—Police Constable.
Residence—Shikaripur.

Duly sworn,
11-11-42. 35

I was working as Police Constable in Shikaripur at the time of occurrence. On 17th September 1942, I had gone to Isoor on duty. When I had gone there A3 Soorappa, A9 Shankarappa, A11 Sidlingappa and others persuaded me to give up Police Service and told me that if I failed to do so they would beat me if I went to their village. I informed the Sub-Inspector Mr. Kenche Gowda what these pepole 40 told me. The people in the village were moving about in the village shouting ಕಾಂಗ್ರೆಸ್ಸಿಕೆ ಜೈ A3, A5, A4, A9 Sowcar Basavannappa and many others were shouting ಕಾಂಗ್ರೆಸ್ಸಿಕೆ ಜೈ. I went with the Amildar, Sub-Inspector, Inspector, Revenue Inspector Munippa, Police Daffedar Sattar Sab, Police Constables Ramiah and Isakmia and an Overseer to Isoor on 28th September 1942, from Shikaripur. We all went on 45 bicycles to Isoor. I had borrowed Police Constable 340 P. W. 27 Siddappa's bicycle. We reached Isoor at 12 NOON or 12-15 P.M. after visiting Gama and Jogihalli on the way. We left our bicycles in the school at Jogihalli and went walking to Isoor. We met A1 Gurappa near Jogihalli on our way to Isoor. He followed us to Isoor. We saw a board, M. O. 25 at the village gate 50 containing the words "ಬೇಜವಾಬ್ದಾರಿ ಸರ್ಕಾರದವರು ಬರಕೂಡದು ಬಂದರೆ" We removed that board under orders of Amildar. We went then to Veerabhadra temple at Isoor. I went in search of Patel Mahadevappa. He was lying down. I told his wife to send him to the temple at once and came away to the temple. When I went there I saw 30 or 40 adults and children coming with flags and shouting ಜೈ. Then some 55 one in the temple sounded a gong. The Inspector snatched it from him. A1 Gurappa snatched the gong from the Inspector and sounded it loudly. Then 200 or 300 people assembled near the temple with clubs and firewood pieces. Then Rudrappa and Basavannappa said that we should all be beaten on the ground that we had gone there to arrest them. Then those people beat all of us. I was 60 near the Sub-Inspector.

I saw in that crowd A2 Mallappa, A3 Soorappa, A4 Gurushanthappa, A5 Paniappa, A6 Erappa alias Natacasena Erappa, A7 Hutcharaya, A8 Halappa, A9 Sankarappa, A11 Sidlingiah, A13 Ramanna, A10 Halamma, A12 Durgoji, A16 Hanumantha, A17 Hutcharaya, A18 Neelakanta, A20 Nageshachari, A21 Subbiah, A22 Chennabasappa, A23 Erabasappa, A25 Basavannappa, A26 Jayappa, A27 Basanna, A36 Veerappa, A35 Thejanna (he points to G. Basanna) and many others were in the crowd then. Our party was near the temple. Santhaveeriah A5 Paniappa, A4 Gurusanthappa and A3 Soorappa and others beat the Sub-Inspector. Then after this the Sub-Inspector fired 1 or 2 shots. A9 Sankarappa, A8 Halappa A6 Erappa and A7 Hutcharaya beat the Sub-Inspector with clubs after he fired shots. The Sub-Inspector had his Police Uniform and a hat. Some one checked off his hat with a club. All the head dress of myself and of Ramiah and Sattar Sab also were removed. I tried to save the Sub-Inspector. I was then beaten by A1 Gurappa. A2 Mallappa, A9 Shankarappa, A11 Sidlingappa, A13 Ramanna beat me, with clubs on the head and on the left wrist and on the back (witness has a scar on the head). I fell down then. A8 Halappa, A12 Durgoji, A9 Sankarappa, A10 Halamma and others dragged the Amildar from the pial of the temple. The Amildar fell down. Hole Basava then dragged him to the firewood heap and tied him to that heap. A1 Gurappa, A18 Neelakantha, A21 Subbaraya and others tied me also to the firewood heap. Both my hands were tied to the firewood when I was in a sitting posture. My right thumb was tied to Sub-Inpector's left thumb and my left thumb was tied to Muniappa's right thumb. A1 tied me so. Half or quarter hour after the Sub-Inspector was tied to the firewood heap he died. He had been tied like me. All of us had been tied like this. The dress of all of us of our party was removed and burnt in front of us. I had a shirt and a drawer on my body. When I was tied down people were saying that A4 had been shot and that if he died we would all be burnt alive. The Amildar was asking for water when he was beaten severely. He had blood all over the body. Some people were going to see if the military came. When I and Sub-Inspector asked for water A10 Halamma said that no water should be given to us and that urine should be given. One Chendrasekarappa gave some water to me and to the Sub-Inspector, and Sattar Sab. Then some one threw the chamboo which contained water. By that time the Amildar was dead. Sub-Inspector died a little after he drank water. He died when A1, A2, A6 assaulted him again after he drank water. We were taken to the Hospital in the evening along with the dead bodies of the Amildar and Sub-Inspector. Police Constable Ramiah had lost consciousness as a result of assault. I was examined at the inquest. When we went to Isoor that day the Sub-Inspector had entrusted a revolver to me. This is M. O. 17. Some one snatched it from me at the time of beating us. This revolver was in deposit in the Police. On 29th September 1942, I was removed to Shimoga Hospital. I was discharged from there on 1st November 1942. Even now I am not well. I have pains over the injured portion. M. O. 43 is the bicycle I had taken to Isoor. I had taken a whistle M. O. 44 with me when I went to Isoor. Some one took it away from me.

A6 is known as Nata kasina Veerappa as he has been convicted for theft of timber on a charge sheet filed by Sub-Inspector Kenche Gowda in August 1942. I was a witness for prosecution in that case. All the 200 or 300 people were beating one or the other of us.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-1942.

Duly sworn,
20-11-1942.

Witness recalled and cross-examined:

Cross-examination by Mr. B. R.—There is one Kammar Gurappa in Isoor. He is A1. I do not know if there is one Kammar Erappa in Isoor. I have not gone to Yerekatte. I have not asked A1 for milk. I have not spilt his milk when he refused to give it. When we went to the temple 10 or 15 or 20 boys and girls came to us. Then the Amildar was alone on the pial. For five minutes conversation between the children and Amildar went on. About 100 people assembled after the gong was sounded. All of them had clubs. We were about a maru from the Amildar. All of us were beaten simultaneously except the Amilder who was beaten afterwards. The Sub-Inspector was beaten first. Then all of us were beaten. All of us were being beaten together. As the Sub-Inspector was being beaten he shot

the revelvor. He fired 1 or 2 shots. I did not see if any one was injured by these shots. Before we were tied our clothes were taken away. Our head dress was removed before Sub-Inspector fired the shots. I am examined by the Police. I have not mentioned the name of A36 Veerappa before the Investigating Officer owing to lapse of memory or pain. 5

Cross-examination by Mr. R. K. J.—No one has seen the threat offered to me on 17th September 1942. It took me a minute to call Patel Mahadevappa. On our way we called him. I cannot name the children that came with flags towards temple. I cannot say who among the crowd had clubs and who had firewood heap. After A1 Gurappa sounded the gong the Inspector got up the pial. I cannot 10 say who removed the hat of the Sub-Inspector and who removed the turbans of myself and of P. Cs. When I went to save the Sub-Inspector, I was beaten. I was still standing when the Sub-Inspector fell down. I cannot say who beat me first, and in what part. I fell side ways. The Amildar was dragged down by holding his clothes from the pial. I cannot say which of the accused held his right 15 arm or left arm. I cannot say which portion A10 had held while dragging down Amildar. Within three-fourths of an hour the beating and tying was over. A18 Neelakanta gave the rope to A1. A1 tied me. A21 also was supplying rope. All of us were tied simultaneously I cannot say who beat first and in what order and in which part of the Sub-Inspector after he was tied. 20

Cross-examination by Mr. K. S. Sastri.—A33 Chendrasekarappa gave water to me and Sub-Inspector and Sattar Sab. The Amildar was on the pial when the Sub-Inspector fired the pistol. We saw A10 saying that no water should be given. 500 to 600 people were in the crowd then. There was galata then. Within five minutes after Sub-Inspector fired shots the Amildar was dragged down. Except 25 Sub-Inspector no one else fired any shot.

Cross-examination by Mr. M. S. Rao.—Before I could save Sub-Inspector, I was beaten. I cannot say how many blows each of us got. The Sub-Inspector had his revolver in the pouch in the belt. In the place he was beaten the Sub-Inspector fired the shots. 30

Cross-examination by S. C.—I do not know how many Rangappas are there in Isoor.

Re-examination.—As we were suffering with pain and anguish how can I say in what order we were beaten.

(Sd.) A. SUNDARARAJA RAO, 35
Special Judge,
20-11-1942.

Deposition of Puttappa—P.W. 33.
Father's name—Kendappa.
Age—42 years. 40
Caste—Lingayet.
Occupation—School Master.
Residence—Isoor.

Duly sworn,
11-11-42. 45

I am the Headmaster of Gama Primary School. I live in Isoor. My house and Pujari Erappa's house are adjoining each other. Prabhat Feri was going on in my place for a month before the date of occurrence. Sowcar Basavannappa, A3 Soorappa, A5 Paniappa, A20 Nageshachari, A9 Shankarappa, A1 and A18 Neelakantappa were the leaders of Prabhat Feri. They were preaching in Prabhat Feri 50 that Kandayam should not be paid, that Government servants should not be allowed inside the village, that they should not be given any assistance. These people were also holding meetings in Veerabhadra temple. On 25th September 1942, Patel Chennabasaviah had come to my house at 12 NOON or 12-30 P.M. to drink water. Then Shanbhog Ranganatha Rao P.W. 5 called the Patel stating that children 56 were taking books. I and Patel went there. By that time the children had taken away the Government Books. On 26th September 1942 at night Sowcar Basavannappa, A5, A20, A9, A18 and A1 and others brought P.W. 28 P.C. Guttappa to the temple. They compelled him to resign Police service. He refused to resign. They took him to Sowcar's house. On 27th 60 September 1942 Sunday they held a meeting in which they resolved that men and women should work boldly and that no Government servant should be

allowed inside. A39 Lingoji, Nagavandada Bharmanna, A3 Soorappa, A5 Paniappa, Angadi Halappa and Hole Basappa were in the meeting. On 28th September 1942, the Amildar and the Police Officers visited my school in the morning at Gama. The school hours are 8 to 11-30 A.M. and 3 to 5 P.M. I returned to Isoor on that day at 12 NOON. At about 12 NOON, A19 Hanumantha was shouting in the street that the Police had come near the channel and that the boys should be collected to prevent Police coming into the village. I went home. When I was in the house I heard the sound of the gong and the sound "ಜೈ". I had closed the door of my house. I saw from the holes in the door what was going on outside. I saw from inside the Amildar and his party near the temple. Boys were persuading them to resign Government service and to wear Gandhi caps. The Amildar advised them not to do so. The boys removed the head dress of the Amildar's party and took out their dress and were dragging them. I came out of the house for a few yards. Then I saw the Amildar, Sub-Inspector and the Revenue Inspector and Police Constables and Inspector being dragged to the road. They were being beaten with clubs, firewood pieces. A big crowd collected then with clubs in hands. A1 Gurappa, A3 Soorappa, A4 Gurushanthappa, A5 Paniappa, A7 Hutcharayappa, A9 Shankarappa, A10 Halamma, A11 Sidlingappa, A13 Ramanna, A18 Neelakantappa, A19 Hanumanthappa, A20 Nagesappa, A21 Subbrayappa, A26 Jayappa, A37 Parvathamma, A39 Lingoji, A41 Rangappa were in that crowd. All these had clubs in their hands. There were many others. A9 Sankarappa, Gowdara Halappa and Hole Basappa and others were beating the Sub-Inspector. Channabasamma and A37 Parvathamma dragged down the Amildar from the pial of the temple. He fell face downwards. A3, A20, A10 and A37 and Channabasamma were beating him with clubs. A41 Rangappa, A18 Neelakantappa were beating the Inspector with clubs. I heard the firing of a sound. Then I went to a little farther. I saw A4 and A5 being taken to their houses. A3 then bawled out that the Amildar's party should be tied to the firewood heap. I saw A1 and A20 and others tieing the injured persons to the firewood heap and to a pole. A3 and A20 were saying that one Police Constable had escaped and that he should be caught. Seeing all this I went to Gama and told the Patel what had happened and went to my school. The Patel told me that he had sent his son to Shikaripur to give information.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-42.

Witness recalled and cross-examined. Duly sworn,
23-11-42.

Cross-examination by Mr. B. R.—I may have forgotten to tell the Investigating Officer that the accused held a meeting the previous day in which they started a Government. I did not give this information to any one. I did not report the incidents of 25th September 1942, 26th September 1942 and 27th September 1942, to any one. My house is to the right of the temple. My house and temple are in the same line. My pial is behind the temple katte by 5 or 6 marus. These 5 or 6 marus are covered by the wall. A portion of the pial of the temple can be seen from my house. One woman and man took A4 and A5 walking to their houses.

Cross-examination by Mr. R. K. J.—I am not fully aware of Prabhat Feri. I used to see this occasionally as I was going away to my school early. No one else was present when P. W. 4 came to my house to drink water. P. W. 4. was staying in the house of Basavalingiah. I did not go to the temple on 26th September 1942 at first. Later on I went there to see who had assembled as they were using coercion to P. W. 28 Guttappa. The congress people of my place were compelling me to resign service. I did not attend the meeting on 27th September 1942. I could see and hear from by house what was going on in the temple and who were in the temple. I did not see who else saw this meeting.

The Amildar and his party had come to my School to enquire about the school. I did not take my food on 28th September 1942, after seeing this occurrence. I met A19 in front of Adikarnataka street. As the galata increased when the gong was sounded a second time I came out. I do not remember if I have stated in the examination-in-chief that the gong was sounded a second time. I was inside the house for 5 or 10 minutes. I was within 2 marus when the dress of the Amildar

and his party were dragged I did not attempt to rescue any one. I and P. Ws. 14 and 30 in that area there. I cannot say how many times the several accused beat the Amildar's party. The shots were fired 2 or 3 times. Before the shots were fired the people in the crowd were beating the Amildar's party and the beating became severe after the shots were fired. The Amildar and Inspector were on the temple pial at first. When the beating commenced they also were below the pial of the temple. A3 Suryanarayanachari was there. He beat all the members of the Amildar's party including the Amildar. I do not remember if I have stated that A3 was beating the Amildar, before the Investigating Officer when I was examined. I do not remember if I have stated before him that A4 and A5 had clubs. I have not told him that A3 and another went in search of the constable. I cannot say whom A1 tied and whom A20 tied. P. W. 6 Rudrappa is a distant relation of mine but I do not know how he is related. P. W. 51 Veerappa is my maternal uncle's son.

Cross-examination by Mr. K. S. Sastri.—Isoor is three-fourth of a mile from Gama. The Amildar and the Inspector were on the pial of the temple and they were dragged from there. The rest of his party were not dragged. I do not remember if I have deposed to the contrary in the examination-in-chief. Sowcar's house is 1½ furlongs from Veerabhadra temple. There are remnants of a burnt house in front of Sowcar's house. There is also a granary in front of his house. There is no ill-will between me and the Sowcar. I had never any dealings with him. I do not remember having told the Investigating Officer that the Amildar was dragged. There are 2 persons by name Durgoji in my place; 20 minutes after I came out I heard the firing of the shots. The Amildar and others visited my school at about 10-30 A.M. and left it 10 minutes later. My mother is the sister of P. W. 51 Veerappa's father.

Cross-examination by S. C.—The villagers manage the Veerabhadra temple.

Re-examination.—I had reported to the Assistant Inspector of Schools that people were using compulsion to make me resign my service.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
23-11-42.

Deposition of Savamma. P.W. 34.
Father's name—Sankarappa.
Age—50 years.
Caste—Devanga.
Occupation—Agriculture.
Residence—Hittalu Shikaripura.

Duly swron,
11-11-1942.

Holyappa is my brother-in-law. My both eyes are blind since two months. He has a son by name Sankarappa. When I was ill this Sankarappa had come to my house. I cannot say how long ago. He called me and gave me bundle asking me to keep it and that he would come again and takeit. That was a Wednesday. He did not come again. I had kept that bundle in a cup-board. I fell ill with fever and ague. I had kept my deity in that cup-board. When my husband went to perform pooja on the succeeding Tuesday, he observed the bundle in the evening and asked me what that bundle was. I told him that Sankara of Isoor had brought it and left it with me. That evening my husband took me to Isoor with the Shanbhog and Patel of my place. Some one in the temple questioned me about the bundle and I told him what I knew. He took my thumb mark to a paper

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-1942.

Witness recalled and cross-examined :

Duly sworn,
17-11-1942.

Cross-examination by S. C.—On Wednesday in the morning Sankarappa gave the bundle to me in my house. None else was present then. No one was present when I told my husband that A9 Sankarappa gave the bundle to me.

Re-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-1942.

Cross-examination by S. C.—My grandson Ramappa had arranged to marry Adaganti Mallappa's daughter. A9 has married that girl now. We attended A9's marriage. There is no ill-will between me and A9 in this connection.

Re-examination.—As we could not celebrate my grandson's marriage that year the girl was given to A9.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
17-11-1942.

Deposition of Holiyappa. P. W. 35.
Father's name—Sannabasappa.
Age—65 years.
Caste—Devanga.
Occupation—Agriculturist.
Residence—Hittal.

Duly sworn,
11-11-1942.

P. W. 34 Savamma is my wife. On a Tuesday about one and half months ago in the evening I went to the inner room to worship the deity. There is a cup-board above deity. In that cup-board I keep the mudapu. It had been locked by my wife. I took the key from her and opened it. I saw a bundle in that cup-board. I asked my wife what that bundle was. She told me that A9 Sankara had brought it and entrusted it to her for custody on the previous Wednesday. I opened that bundle and saw a wrist watch with chain and a ring and whistle. The watch and chain and ring were of gold. There was also a black tube in it. I felt suspicious as I saw a whistle. I thought that the whistle was Government property. I took the bundle to the Patel with its contents. He held a mahazar. He and I and my wife and the Shanbhog went to Isoor and gave these articles to the Police Inspector. The latter held a mahazar and seized them. I signed the mahazar. My wife put her thumb mark to it. Ex. P. 40 is the report to the Patel. M. Os. 40, 44, 42, ring, wrist-watch with chain and whistle and the tube M. O. 45 were in that bundle. M. O. 46 is the cloth in which the above M. Os. had been tied up.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
11-11-1942.

Witness recalled and cross-examined.

Duly sworn,
17-11-1942.

P. W. 34 Savamma is my wife. I have a son by name Sankarappa. My son-in-law's name is Sankarappa. My grandson's name also is Sankarappa. A9 is the son-in-law of Adaganti Mallanna, A9 Sankarappa is my cousin's son.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-1942.

Deposition of Veerabhadrappa. P.W. 36.
Father's name—Sidlingappa.
Age—34 years.
Caste—Lingayet.
Occupation—Patel.
Residence—Hittal.

Duly sworn,
11-11-1942.

P.W. 35 Holayappa lives in my place. He had brought a wrist-watch with chain and a ring, a whistle and a ring and a barrel of a fountain pen tied in a piece of sadi with a report Exhibit P40. I have referred this to the Inspector of Police, Shikaripur as per Exhibit P40(*a*). I and the Shanbhog of my place to P.Ws 34 and 35 with these articles to Isoor and showed them to the Deputy Commissioner. The Police Inspector seized these articles under a mahazar M.Os 40, 42, 44 and 45 and 46 are these articles including the piece of sadi.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-42.

Deposition of Mr. Dharme Gowda. P.W. 37.
Father's name—Kolluriah.
Age—30 years.
Caste—Vokkaligar.
Occupation—Revenue Inspector.
Residence—Hosur, Shikaripur Taluk.

Duly sworn,
11-11-42.

I was in Isoor at the time of enquiry. I was present when P.W. 35 Holayappa produced M.Os. 40, 42 and 44 to 46 to the Police. I was present at the time of mahazar in that connection. M.O. 40 gold ring and M.O. 42 wrist-watch with chain belonged to the deceased Kenche Gowda. I had handled them for comparison when he was wearing them as he and I were friends.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-1942.

37th witness Mr. Dharme Gowda.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
20-11-1942.

Deposition of Mr. B. Gaviappa. P.W. 38.
Father's name—Doddappa.
Age—29 years.
Caste—Kurubar.
Occupation—Head Master.
Residence—Shikaripur.

Duly sworn,
11-11-1942.

In September 1942, I was a school master in Chikjogihalli. On 28th September 1942, the Amildar, the Police Inspector, the Sub-Inspector, the Revenue Inspector, one Daffedar and three Constables came to my school at about 12 NOON on bicycles. They left their bicycles on the verandah of my school and went towards Isoor. One hour later people from Isoor came shouting. As they had clubs in their hands I closed the school and sent away the boys and told P.W. 24 Budan, my peon to lock the door. I came to the school again at 2 P.M. and found that the bicycles were not there. Eight bicycles had been left in my school. After Gandhiji's arrest, children from Isoor used to come in Prabhat Feri and take away the boys of my school. I was reporting this to the District Educational Officer.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-1942.

Witness recalled and cross-examined : Duly sworn, 20th November 1942.

Cross-examination by Mr. B. R.—I have made a report on 29th September 1942, by post to the District Educational Officer. There is reference to this in the "To" Register of my school. The Police have examined me. I have not shown the report in the "To" Register to the Police.

Cross-examination by Mr. K. S. Sastri.—Nil.

Re-examination.—The Police did not ask me to produce the "To" Register.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
20-11-1942.

Deposition of Thimmiah—P. W. 39.
Father's name—Giriappa.
Age—32 years.
Caste—Devanga.
Occupation—Police Constable.
Residence—Nyamati, Honnali Taluk

Duly sworn,
11-11-42.

In connection with crime No. 18—42-43, I had gone to Isoor in search of Kenchappa and Chennabasappa on the evening of 23rd September 1942. As soon as I reached Isoor I saw 50 or 60 people assembled near Banasankari temple. Among them I saw A11 Siddalingappa, and A7 Hutcharayappa. These two obstructed me and questioned me how I entered their village without giving resignation. I told them to excuse me and that I had gone there out of ignorance. Then I went to the House of my brother-in-law Hutchappa. At about 6 P.M. A11 and A7 came to me. I had a khaki hand-bag with me. They poured kerosene oil over it and burnt it. That night they had kept watch on me. The next morning when I was about to start back, Sowcar Basavannappa, A7 and A11 warned me that before coming to their village again I should resign Government service and that if any Government servant entered their village they would burn him alive. I pleaded for mercy and went away. Exhibit P41 is the passport I had for going to Isoor. I reported what happened at Isoor to Nyamati Daffedar.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-42.

Witness recalled and cross-examined : Duly sworn,
23-11-42.

Cross-examination by Mr. B. R.—I reported the matter orally on 24th September 1942, to my Daffedar. I have not mentioned this incident to any one. I did not see if others were present when my bag was burnt. I cannot say who was keeping watch on me.

Cross-examination by Mr. K. S. Sastri.—Nil.

Re-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-42.

Deposition of S. M. Abdul Sattar.—P. W. 40.
Father's name—Mohamed Hussain.
Age—43 years.
Caste—Mohamedan.
Occupation—Police Daffedar.
Residence—Shikaripur.

Duly sworn,
11-11-1942.

On 28-9-1942, I had gone to Isoor with Amildar and others on a bicycle. I had aken my own bicycle. We reached Isoor at 12 NOON or 12-15 P.M. leaving all our

bicycles in Chikjogihalli school. When we reached Isoor we saw the board M. O. 25 with the writing now found on it. We removed that board from the pillars and went to a temple in Isoor. When we went there, some children came to us with flags sounding a gong. They told us not to get into the temple premises and to remove our dress and to wear khaddar. The Amildar and the S. I. and myself were telling the children to wait for a while. The Inspector, P. W. 23, snatched the gong from the children. A1 Gurappa snatched the gong from the Inspector and sounded it. A1 followed us from Chikjogihalli. As soon as A1 sounded the gong, 200 or 300 adults came to the place where we were with clubs and firewood pieces. The Amildar was pacifying them and telling them that they had gone there only to console them. From among the crowd A18 (witness does not know his name but points out to him) and another beat their hips (ಪಡ್ಡೆ ಹೊಡಕೊಂಡು) and came and stood in front of us and questioned us how we came in spite of the notice on the board and how we could get out of the village. Then some one in the crowd held the coat of the Sub-Inspector. Then Sowcar Rudrappa and Basavannappa cried out that we had gone there to arrest them and that we should be beaten and killed. Then the people in the crowd beat me, the S. I. and the Amildar and others of my party with sticks and clubs. Then A12, A22, A23 and A41 beat me with clubs along with others. I do not know the names of the accused. A12, A22, A23 and 41 (witness identifies them by sight). A3, A4, A5 and A8 beat the Sub-Inspector. I do not know the names of these persons.

A1, A2 and A8, A10 a woman, A37 a woman along with others assaulted the Amildar. I heard 2 or 3 revolver shots after these people were assaulted. Then we were all tied to a firewood "ಗೂಟ." After I heard the revolver shot I became unconscious due to injuries. I do not know who fired the revolver. I regained consciousness when I found that I had been tied to a pole. Both my hands had been tied to the pole with a rope and I was reclining on that pole. Ramiah had been tied to my left. My left thumb and Ramiah's thumb had been tied together. To my right the Police Inspector and the Revenue Inspector had been tied, I believe, to one pole. I was not able to see others as they were away from me. Many people were moving about then near us with clubs. They were saying "ಸಣ್ಣಕ್ಕಿ, ಬೆಣ್ಣೆ, ಎಳನೀರು ಈ ಹೆಂದಿಗಳಿಗೆ ಬೇಕಾಯಿತು. ಎರಡು ಹೆಂದಿ ಸತ್ತು ಹೋದವು. ಗುಂಡಿನೇಟು ತಗಲಿದವನು ಸಾಯ್ತಾನೆ. ಸತ್ತಕೂಡಲೇ ಸೂಳೆ ಮಕ್ಕಳಿರಾ ಅವನ ಹೆಣದಮೇಲೆ ನಿಮ್ಮನ್ನು ಹಾಕಿ ಸುಡ್ತೀವಿ." Then three women A38, A37 and A10 came and questioned me if I had cartridges. I said I had none and asked them for water. They said that they would not give me water and beat me with clubs and sticks. They were beating the dead and injured even then. Some one had taken away my uniform. I had buttons, monograms, whistle and cord and a fountain pen on my garment. I had also a Westend wrist watch and a one tola weighing gold ring. All these had been removed. I had only a banian and short on my body then. In the evening we were untied and taken to the Shikarpur Hospital. I had injuries on my body and I had swellings. My body had been covered with blood. The Inquest Officer has examined me. I was admitted into Shimoga Hospital on 29-9-1942 and I was discharged on 1-11-1942. Even now my wounds are not healed (The witness has even now a bandage on his hand). I am examined by the Police. M. O. 36 is the bicycle on which I had gone to Isoor. The monogram (M. S. P.) in M. O. 26 is mine.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-1942.

Witness re-called and cross-examined:

Duly affirmed,
19-11-1942.

I did not see A6 in the identification parade. I did not identify him in the parade. There was no one by name Kammar Erappa in the parade. We were all below the temple pial. Amildar alone was on the pial. I did not see any one beating the Amildar on the pial. We were beaten in the places, we were standing. For 5 or 10 minutes discussions went on between us and children. I did not see if the hats were removed before we were beaten or if it was before the Sub-Inspector fired shots. My turban was removed by some one before the shots were fired. I cannot say which of us were beaten first. None of us used any force to any one. No children were injured by lathis. Even after revolver shots we were being beaten as before.

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Cross-examination by Mr. R. K. J.—I was one or 1½ marus from the Inspector. We, I and Sub-Inspector were facing the temple. The Amildar was standing opposite to us on the temple pial. I do not know the names of accused except that of one or two.

5 A22 Chennabasappa, A41 Rangappa, A23 Veerabasappa, A12 Durgoji, A38 Siddamma, A10 Halamma and A37 Parvathamma and others assaulted me (The accused were re-shuffled at the instance of the accused's counsel. Witness pointed out the abovesaid persons). A4, A5, A3 assaulted the Sub-Inspector.

I cannot say which of the accused beat in any particular part of the body.

10 I cannot say where I was lying as I had lost consciousness.

Cross-examination by Mr. H. B. S. Rao.—The Amildar was on the pial one muru from me. I do not remember if I told the Police that any woman beat me after I was beaten. I cannot say who removed my lathi. It had been removed before I was beaten.

15 *Cross-examination by S. C.*—I had seen A1 before occurrence. I had not seen A41 before that day. I talked to A1 at Chikjogihalli when he met us there. A4 beat Sub-Inspector standing in his front.

Re-examination—Nil.

(Sd.) A. SUNDARARAJA RAO
20 *Special Judge,*
19-11-42.

Deposition of Gurusanthappa.—P. W. 41.
Father's name—Hampanna.
Age—25 years.
25 Caste—Lingayet.
Occupation—Merchant.
Residence—Shikarpur.

Duly sworn,
11-11-42.

30 I had lent my bicycle on 28th September 1942 to P. W. 19 Isakmia as he wanted to go to Isoor. On 2nd October 1942, I found my bicycle lying in a pond in Isoor. M. O. 35 is the bicycle belonging to me. Six bicycles were found in that pond. They were seized under a mahazar.

Cross-examination—Nil.

35 (Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-42.

Witness recalled and cross-examined.

Duly affirmed,
23-11-42.

40 *Cross-examination*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-42.

Deposition of Mr. Seshagiri Rao.—P. W. 42.
45 Father's name—K. Gundappa.
Age—53 years.
Caste—Brahmin.
Occupation—Headmaster, Primary School.
Residence—Isoor.

50 Duly affirmed,
11-11-42.

In September 1942 also, I was Headmaster at Isoor. From 13th August 1942, Congress activities were going on in Isoor. Prabhat Feris were being conducted then. The school masters and the Patel and Shanbhog were being induced to
55 resign their service. From 13th August 1942, no student attended the school till the Dasara holidays. Only few attended on some days. I have reported this to my superior officer. I and other teachers of Isoor school applied for leave from 28th September 1942, till the commencement of Dasara. The Government passed orders

closing our school from 28th September 1942. Exhibit P42 is the attendance register of Isoor School.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
11-11-42.

Witness recalled and cross-examined.— Duly affirmed,
23-11-42.

I have not reported to any one that I was compelled to resign. No one was present when I was compelled to resign.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-42.

Deposition of Mr. K. R. Rajanna Setti.—P. W. 43.
Father's name—Ramiah.
Age—28 years.
Caste—Vysyaru.
Occupation—Police Sub-Inspector.
Residence—Special Branch, Bangalore.

Duly sworn,
12-11-42.

From the afternoon of 29th September 1942, I was at Isoor. On 30th September 1942, I searched some houses at Isoor including the house of A39 Lingoji. We found in A39's house on search Exhibit P19 to P19 (m). I seized them under a mahazar. On 4th October 1942, when we searched the house of A33 Chendrasekharappa we found a whistle with its cord M. O. 41 in his house. On 30th September 1942, I arrested A12 Durgoji, A31 Sivappa and A29 Sannarudrappa at Isoor.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Witness recalled and cross-examined.— Duly sworn,
19-11-42.

Cross-examination by Mr. B. R.—I was present when the mahazar was held regarding identification parade. I do not know if A6 was in the parade. Isak Mia, P.W. 19, handed over 17 cartridges to me in the presence of P.W. 62 Investigating Officer.

Cross-examination by Mr. K. S. Sastri.—We went to Isoor on 29th September 1942, between 2 and 3 p.m. From 1st October 1942, we stayed at Isoor for 20 or 22 days. In the middle we were going to Isoor and Shikarpur. The Deputy Commissioner and District Superintendent of Police camped at Isoor four or five days in Veerabhadra temple. I do not know how many persons bear the name of Durgoji in Isoor.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
19-11-42.

Deposition of Hanumanthappa—P.W. 44.
Father's name—Danappa.
Age—12 years.
Caste—Chippigaru.
Occupation—Tailor aud Student.
Residence—Isoor.

Duly sworn,
12-11-42.

I am studying in the III year class Middle School in Chikjogihalli. My house is in Isoor. 'Prabhat Feri' was going on in my village since two months. C. Lingappa, T. Revanappa started this. C. Lingappa is A39. He had come from Shimoga. He was studying there. He started saying that Mahatma had been

arrested and that we should all join congress. In 'Prabhat Feri' they used to go with Mr. Gandhi's photo and flag. The flag is a tricoloured one similar to M. Os. 18 and 19. I too was going with 'Prabhat Feri'. We used to sing the Rastra-geetha found in the book. One used to say ಭೋಲೋ ಭಾರತಮಾತಾಕಿ. The others used to say ಜೈ. They were saying ಭೋಲೋಗಾಂಧೀಕಿ, ಜವಹರ್‌ಲಾಲ್, ಸುಭಾಷ ಚಂದ್ರ ಭೋಸ್ ' every one used to say ಜೈ. One was saying ಎಲ್ಲಾ ಬಾಲಕ ಬಾಲಿಕಿಯರೂ the rest used to say ಮುಖಂಡತ್ವವನ್ನು ವಹಿಸಿ. One was saying ಬ್ರಿಟಿಷ್ ದಬ್ಬಾಳಿಕೆ ಸರ್ಕಾರಕ್ಕೆ the rest used to say 'ಧಿಕ್ಕಾರ'. One used to say ದೇಶದ್ರೋಹಿಗಳಿಗೆ the rest used to say ಧಿಕ್ಕಾರ. Boys, girls and elders used to come with us. Sowcar Basavannappa, A20 Nagesappa, A5 Paniappa, A3 Soorappa, A1 Gurappa, A9 Sankarappa, A11 Siddalingappa and others were coming with us in 'Prabhat Feri' and used to utter the abovesaid slogans. We used to start from Veerabhadra temple and after going round the streets and coming to the temple, we used to meet there. I used to attend the 'Prabhat Feri' in the morning and attend school in the noon. A39 C. Lingappa had written some slogans on the beams of Veerabhadra temple with a chalk piece. He had written the following there. ತ್ಯಾಗದ ಮರಗಳನ್ನು ಕಡಿಯಿರಿ. ಗಂಧದ ಮರಗಳನ್ನು ಕಡಿಯಿರಿ. ತಂತಿ ಕಡಿಯಿರಿ ದೇಶ ಸೇವೆ ಈಶಸೇವೆ, etc. I see M. O. 25. This was near Sivappa Masters's house. It was written on a road for establishing a Government. A39 C. Lingappa wrote the board M. O. 25 with chalk piece. A15 Vittoba painted that writing in black ink. Sowcar Basavannappa had established a Government in the road. He had put up 2 chairs and a table there. A26 Jaya was the Amildar of that Government. On a Sunday preceding the date of occurrence, this Government was established. Angadi Halappa's house and Master Sivappa's house are separated by a road. The Government was established in that road. They had resolved not to allow any one in the village. In the temple Sowcar Basavannappa told every one including myself that if any man of irresponsible Government came to the village he should not be allowed. The Patel and Shanbhog were made to stand on one leg on that Sunday. The Patel did not stand but the Shanbhog stood on one leg.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,

Special Judge,

12-11-42.

Witness recalled and cross-examined.— Duly sworn, 17-11-42.

I was going to 'Prabhat Feri' for about 2 months before the occurrence. The villagers of Isoor have seen us go in 'Prabhat Feri'. I cannot name those who have heard our slogans. About 40 people, children and adults had assembled when A26 Jayappa acted as Amildar. I was in the pendal till the end. Half of them were children. P. W. 60 Gangamma was also coming to 'Prabhat Feri'.

Cross-examination by Mr. R. K. J.—I do not know what ದಬ್ಬಾಳಿಕೆ means. I was not knowing the meaning of slogans. None told me that I should depose in a particular way in this Court. There was no list of persons attending 'Prabhat Feri'. Some used to come on some days. About 30 people used to attend it. As a table and chair were put on the road I say that responsible Government was established.

Cross-examination by Mr. H. R. G.—A39 Lingoji studies in Shimoga. I know the handwriting of A39. A39 wrote the slogans in my presence in the temple. I do not know who else has written slogans in the temple. A39 wrote slogans on different days.

Cross-examination by Mr. S. C.—Nil.

Re-examination—Nil.

(Sd.) A. SUNDARARAJA RAO.

Special Judge,

17-11-42.

Deposition of G. Veerappa—P.W. 45.
Father's name—G. Rudrappa.
Age—13 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
12-11-1942.

I am studying in the middle school at Chikjogihalli. I was attending Prabhat Feri in my place. This started 3½ months ago. A39 Lingappa and Revanna started this. They were studying in Shimoga and then came to our place. As Gandhiji was arrested these people started congress and Prabhat Feri. We used to start in the morning from Veerabhadra temple for a Prabhat Feri. Sowcar Basavanappa, A3 Soorappa, A5 Paniappa, A20 Nagesappa, A1 Gurappa, A39 Lingappa, Revanna and others were coming in Prabhat Feri. I too used to be in the procession. In that procession are used to say ಭೋಲೋ ಭಾರತಮಾತಕಿ the rest used to say ಜೈ. One used to say ಮಹಾತ್ಮಗಾಂಧಿಕಿ, ಸುಭಾಷಚಂದ್ರಬೋಸಕಿ, ಚಂಗಲರಾಯರೆಡ್ಡಿಕಿ ಜೈ, the rest used to say ಜೈ. One used to say ಬ್ರಿಟಿಷರೇ the rest used to say ಬಿಟ್ಟುಓಡಿರಿ. One used to say ಬ್ರಿಟಿಷರು the rest used to say ನಮ್ಮಗುಲಾಮರು. They were also saying ಏನೆಬರಲಿ ಒಗ್ಗಟ್ಟಿರಲಿ, ರಾಷ್ಟ್ರಧ್ವಜವು ಹಾರುತ್ತಿರಲಿ, ಇಂಕಿಲಾಲ್‌ಜಿಂದಾಬಾದ್, ಹಮಾರ ಹಿಂದೂಸ್ಥಾನ್, ಜಿಂದಾಬಾದ್ ಕಾಂಗ್ರೆಸ್, ಕಾಂಗ್ರೆಸಿಗೆ ಸೇರದೆ ಇರತಕ್ಕ ಮನೆಗಳಿಕೆ ಬೆಂಕಿ ಹಚ್ಚಿರಿ.

They were singing Rastrageetha songs. There are writings on the temple pillars saying ಗಂಧದ ಮರಗಳನ್ನು ಕಡಿಯಿರಿ, ಈಚಲ ಮರಗಳನ್ನು ಕಡಿಯಿರಿ, ತ್ಯಾಗದ ಮರಗಳನ್ನು ಕಡಿಯಿರಿ, ಬ್ರಿಟಿಷರಿಗೆ ದೇವರು ನಿಮ್ಮನ್ನು ಒದ್ದುಓಡಿಸಲಿ. A39 Lingappa wrote all these slogans. A39 also wrote a board M.O. 25 near the village gate in chalk piece. A15 was asked to convert this writing in ink. He refused. Sowcar Basavannappa beat him and compelled him to ink that writing. He did so. The board was hung up in the village gate. It was intended to prevent Government servants entering the village and if they entered, to assault them. The people were holding meetings in the temple. Sowcar Basavannappa, A5, A20, A3, A18, A1 and A39, Revaniah used to be present at the meeting.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-1942.

45th witness G. Veerappa—

Witness recalled and cross-examined:—Duly sworn, 17th November 1942.

Cross-examination by Mr. B. R.—Nil.

Cross-examination by Mr R.K.J.—I know P.W. 30. Sivappa and P.W.14 Sankarappa. They are leaders of Sadu Lingayets. I was attending the Prabhat Feri daily. About 50 people use to be in it. Forty or fifty people used to attend the meeting in the temple. I was not understanding the meaning of slogans. P.W. 30's son Gurusanthappa was not attending Prabhat Feri. Sowcar Basavannappa was singing National songs.

Cross-examination by Mr. H.R.G.—A39 Lingappa wrote the slogans himself in the temple. Others have not written slogans in the temple. No one has cut the teak and sandalwood trees. In the meeting Gandhi's life used to be depicted and non-violence was being preached.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-1942.

Deposition of Mr. M. Muniappa—P.W. 46.
Father's name—Maruliah.
Age—42 years.
Caste—Thigalar.
Occupation—Revenue Inspector.
Residence—Shikarpur.

Duly sworn,
12-11-42.

I am in Shikarpur since a year and seven or eight months as Revenue Inspector. Isoor is in my jurisdiction. On 28th September 1942, in the morning

I and the Amildar, the Sub-Inspector, Inspector, Daffedar, P. Cs. Ramaiah, Jettappa and Isakmia went to Isoor on bicycles. We passed through Gama on our way to Isoor. We left our bicycles in Chikjogihalli on the school verandah and went walking to Isoor. We all reached Isoor at 12 noon or 12-15 P.M. A1 Gurappa met us near Jogihalli and followed us to Isoor. We passed through the village gate of Isoor. There we saw a board M.O. 25 with the inscription now found on it hung above the village gate. We got the board removed under the instructions of the Police Inspector. We went to Veerabhadra temple in Isoor. As soon as we went there, boys and girls came running to us with congress flags similar to M.Os. 18 and 19 and with a gong beating. These children advised us to resign Government service and to wear khadi and give our clothes for burning them and that if we failed to do so we would be dealt with properly. The Amildar was advising these children not to behave like that. The Inspector snatched the gong from one of the boys as he was sounding it. The boys and girls then began dragging the Inspector holding his clothes. The clothes of myself and of the Sub-Inspector and Police Constables and Daffedar and the Amildar were also being held by them and were being dragged. AI Gurappa snatched the gong from Inspector's hands and sounded it loudly. Then men and women about 200 or 300 came in large number from all parts of the village with clubs in hands. Sowcar Santhaveerappa and another then stood before the Sub-Inspector beating their thighs and questioned the Sub-Inspector how the servants of irresponsible Government could come inside the village in spite of the board. They also threatened that we could not escape from that village. Then the Sub-Inspector with folded hands requested them not to create trouble but to discuss matters. We were also telling the same thing. Then Sowcar Santhaveerappa put his hand to the neck of the Sub-Inspector and dragged him by his police coat. Then the hats and turbans of our party were snatched away. My turban too was taken away. Then Sowcars Basavannappa and Rudrappa told the crowd that our party had gone to arrest them and that we should be beaten. Then A5 Paniappa, A4 Gurusanthappa and Santhaveerappa hit the Sub-Inspector with clubs. The rest were beating me and others of our party. Then Chippigara Subbarayya (whom I am not able to identify among the accused) A25 Basavannappa, A38 Siddamma and Hole Basaya beat me with clubs on head and body. I had injuries all over the body, and I was bleeding. A10 Halamma, Hole Basaya, A13 Ramanna and A17 Hutcharaya were beating the Amildar with clubs along with others. I did not see who beat the Inspector and Police Constables. I found in the crowd all the 41 accused along with others. All the 41 people now before Court assaulted all of us with clubs. They were moving about here and there with clubs. I, the Amildar, the Sub-Inspector, Inspector and Daffedar and Police Constables fell down after we were assaulted. A1 Gurappa and A2 Mallappa tied all of us to a fire wood heap. I was tied to a pole by the side of the firewood heaps with ropes. Both my arms had been tied. My thumb and Police Inspector's thumb had been tied together. My another thumb and Police Constable Jettappa's thumb had been tied together. A1, 2 and two or three others tied us like that. A2 snatched all our clothes before we were tied. I had an unloaded revolver with 15 cartridges in my knicker pocket. Some one snatched them away. The clothes of myself and of our party were all removed and thrown into the fire. The Inspector had been tied to the same pole behind me. M.O. 21 is the pole to which I and Inspector had been tied. We were made to sit before we were tied. The Amildar and Sub-Inspector were alive and conscious when they were dragged and tied. They prayed for water. Somebody said that they should be given urine instead of water. A1, A2 and A6 hit the Amildar and the Sub-Inspector after they were tied with sticks. A little later the Amildar and the Sub-Inspector died. The others of my party were bleeding with injuries. Police Constable Ramiah was struggling unconcious. A3 Suryanarayanachari was telling others that two of us were dead and that the dead and injured should all be burnt. In the evening we the injured persons were brought to the Hospital at Shikarpur. The Officer holding inquest has examined me. On 29th September 1942, I was sent to McGann Hospital, Shimoga. I was discharged from the Hospital on 16th October 1942. I am still on leave as I am not completely cured of the effect of injuries. M.O. 29 the revolver is mine and I had lost it on that day. I had a keepsake silver wrist watch on my wrist and a gold ring, at the time I was attacked. I had also a money purse with Re. 0-8-0 and a pair of spectacles and a pair of goggles and 'Teko' fountain pen, a 'Black Cat' fountain pen with

me then. All these were snatched away from me. M.O. 33 is my bicycle. The Amildar had a nickel wrist-watch on his wrist then. This is M.O. 47. M.O. 32 is the bicycle of the Amildar on which he had come to Isoor that day. I cannot identify Chippigara Subbaraya as all the accused have grown a beard now.

On 6th September 1942, I had visited Isoor. Then Prabhat Feri was going on. Basavannappa, Jaya, A26 and Santhaveerappa were taking part in it.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Witness recalled and cross-examined: Duly sworn, 20-11-42.

Cross-examination by Mr. B. R.—I know A28 Patel Gurushanthappa. I had attached his paddy crops for arrears of kandaya due, last December 1941. I sold this paddy at Rs. 4-12-0 a palla. That paddy was 'ಮುಗ್ಗಲು'. Paddy was sold then at Rs. 5 or 5-8-0. I do not know if he has complained against me to the Sub-Division Officer that I sold the paddy for a lesser price. I know A25 Basavannappa. Once I had passed the bills connected with the village improvement work. On the ground that the Well-Overseer was better fitted for checking the bills he is now entrusted with that work. I am not aware if there is faction between Sowcar Basavannappa and the Patel. Last year A17 Hutcharaya was in arrears. I have attached his cart. I did not ask him to pay Rs. 5 and that if he paid I would not attach his property. I had an unloaded revolver with 15 cartridges when I went to Isoor. I always carry them with me for self-protection. About 15 or 20 children came to the temple after we went there. They demanded our party to give up our clothes. They did so in the road in front of the temple. The Amildar was on the pial. I do not know when the Amildar came down the pial. Our clothes were removed when we fell down after beating. The clothes of all of us were removed simultaneously. All the 8 of us had fallen down within a maru or two from each other. I do not know if there is one Kammar Erappa in my place.

Cross-examination by Mr. R. K. J.—I have not reported about Prabhat Feri in Isoor. Five or six minutes after we went to the temple we were beaten. All of us were beaten simultaneously. I do not remember if I saw any P.Ws. at that time. I cannot say which of the accused 4 and 5 beat. Sub-Inspector first. I cannot say which accused beat me, or the Amildar first. I did not fire any shot. I cannot say now who were on my either side when we were beaten as we were running from place to place to avoid beating. The Amildar was behind me on the pial 2 or 3 marus from me. I cannot say which of us fell down first and which of us was tied first and whose clothes were removed first. I cannot say how many blows the Sub-Inspector and Amildar were given after they were tied and by whom. A3 and 13 others had, it appears, applied for lands in Anjanapura. There were two criminal cases against me while I was at Shimoga as Revenue Inspector of Shimoga Municipal Council. These cases were * * * * I am examined in the inquest.

Cross-examination by A4 Mr. M. S. Rao.—I was surrounded by the assailants. There was no galata in the crowd except beating. I was alarmed at the beating.

Cross-examination by Mr. H. B. S. R.—The Amildar had taken me to Isoor. I cannot say from what side A38 beat me. Three, four or five people were beating me together.

Cross-examination by S. C.—Nil.

Cross-examination by Mr. B. R.—A30 Hutcharaya had applied for a land. That was put up for auction and some Hanumanthappa purchased it in auction.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
20-11-42.

Deposition of Huchappa—P. W. 47.
Father's name—Thimmanna.
Age—30 years.
Caste—Devanga.
Occupation—Agriculturist
Residence—Isoor.

Duly sworn, 12-11-42.

Ten or Twelve days after the occurrence in my place the Sahebs made me get down the well in Sowcar Basavannappa's well. I got down that well and on

searching it found one revolver. This is either M. O. 17 or M. O. 29. The Police seized that revolver under a mahazar. There is a tank behind A7 Chippigara Hucharayappa's house. At the desire of Police I and Bhimappa got into that tank and searched there. A7 was present then. In that tank Bhimappa found a bag there. This is M. O. 48. This bag is a revolver case. The Police held a mahazar and seized it.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Deposition of Bheemappa.—P. W. 48.
Father's name—Govindappa.
Age—20 years.
Caste—Devanga.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
12-11-42.

The Police had taken me and P. W. 47 Hutchappa to search for something in a tank which was behind A7 Hutcharaya's house. A7 was present then. On search in the tank I found revolver case M. O. 48. The Police seized it under a mahazar.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Witness realled and cross-examined. Duly affirmed,
17-11-42.

Cross-examination by Mr. H. R. G.—It was found in the Government tank.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-42.

Deposition of Gurubasappa.—P. W. 49.
Father's name—Erappa.
Age—14 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
12-11-42.

I knew A19 Hanumanthappa. A(11) Siddalingappa told me that he had given a watch to the hands of Badkalli Mallappa. The Police questioned me about the watch. I told them what A11 told me.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Witness recalled and cross-examined. Duly sworn,
19-11-42.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
19-11-42.

Deposition of Mallappa.—P. W. 50.
Father's name—Mallappa.
Age—18 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
12-11-42.

A11 Siddalingappa had given a watch to me one or one and a half months back on a Monday at 5 P.M. on the day of occurrence in my village. I was then

near the river looking after my bullocks. M. O. 47 is this watch. A11 told me that he would come back soon and take the watch. He did not come back to take it. I had kept this watch with Mahadevappa in Arasingere. Eight or ten days back the Police came and asked for that watch. I got it from Mahadevappa and gave it to the Police at Isoor. The Police seized it under a mahazar. 5

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Witness re-called and cross-examined. Duly sworn, 10
19-11-42.

Cross-examination by Mr. B. R.—No one was present when A11 gave me the watch. The watch was with me for one month. I had not told this to any one. I gave the watch to the Police. A8 Halappa's father was bringing up my mother.

Cross-examination by Mr. R. K. J.—Nil. 15

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
19-11-42

Deposition of Veerappa.—P. W. 51.
Father's name—Veerabasappa. 20
Age—46 years.
Caste—Lingayet.
Occupation—Pujari of Veerabhadra Deity.
Residence—Isoor.

Duly sworn, 25
12-11-42.

I am the Poojari of Veerabhadra Deity at Isoor since $1\frac{1}{2}$ years. There was congress activity in my place for $1\frac{1}{2}$ months before the date of occurrence. The congress people including A1 Gurappa, A19 Hanumanthappa, A18 Neelakantappa, A7 Hucharayappa, A5 Paniappa, A3 Soorappa, were assembling in my temple and 30 holding meetings. After meeting all of them used to go to Bhajana in the streets. They were saying something in English about congress which I was not able to understand.

On Sunday, the day previous to the occurrence they held a meeting in the temple. The above said people were present in that meeting. In that meeting 35 they said that they had made the Patel and Shanbhog stand on one leg and that on the complaint of Patel and Shanbhog, Government servants were likely to come the next day and that they should be disgraced and sent out of the village and that they should establish responsible government. They were saying that sandal trees should be cut. All these were stated by the persons mentioned above. 40 I heard all this conversation from the pial of my house which is adjoining the temple. Others were talking something in the low tone. On the beams of my temple slogans had been written that sandal trees, date trees and Government servants should be cut and some slogans similar to this had also been written on the day of occurrence after performing pooja. I had gone to the forest to bring firewood. I 45 returned to the village after 7 P.M. I am literate.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42. 50

Witness re-called and cross-examined. Duly sworn,
23-11-42.

I have told the Investigating Officer that there was a meeting of the congress on 27th September 1942. I did not see P. W's in that meeting. I have not told any one what I saw and heard in that meeting. 55

Cross-examintion by Mr. R. K. J.—P. W. 30 Sivappa, P. W. 14 and others are the Yajmans that manage Veerabhadra temple. I did not see the proceedings of congress meeting reduced to writing. I cannot say who was the President of the

meeting and who talked in that meeting of 27th September 1942. During my absence after Pooja, slogans used to be written on the temple walls. P. W. 33 is my ಭಾವ. He has no lands or house in my place.

Cross-examination by Mr. K. S. Sastri.—Isoor may be about 3 miles from Gama. By foot-path it is about a mile. There were crops on the land at the time of occurrence. P. W. 33 Puttappa has not contracted debts with Sowcar.

Cross-examination by S. C.—Nil.

Re-examination.—A41 is called Talawar.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-42.

Deposition of B. Veerappa—P. W. 52.
Fater's name—B. Basappa.
Age—32 years.
Caste—Lingayet.
Occupation—School Master, Primary School.
Residence—Nelavagalu, Shikarpur Taluk. Now Shimoga.

Duly sworn,
12-11-42.

In September last I visited my father-in-law who is in Chikjogihalli. On 27-9-42, Sunday, I had gone to Isoor from Chikjogihalli. There was a pendal in front of the village gate at Isoor. A26 Jaya was seated on a chair in the pendal. The Shanbhog and the Patel were under enquiry. I was also examined by Sowcar Basavannappa. The latter told me that the servants of irresponsible Government should not get into the village and questioned me how I came in. They refused to leave me inside the village unless I resigned by job. I refused to do so and started back to my place. After I went a little further, 10 or 12 boys came and called me stating that their Amildar wanted me. I went to A. 26 Jaya who was posing as Amildar. A9 Sankarappa then told me that we belonged to European family and that I should tender my resignation. I refused to resign. Since they compelled me I asked them to give me a paper for writing my resignation. They gave me a paper. I addressed it to congress Government—Sowcar Basavannappa said that I might address it to my Government and that his Government would forward it to my Government. I did not write any resignation and went back to my place.

Next day, A9 Sankara, A11 Sidlingappa, A37 Parvathamma, A16 Hanumanthappa with 20 or 30 others were coming to Chikjogihalli with clubs. They were shouting that if any one had police men or cycles with them they must surrender them. I closed the door of my house. A11, A37 and A16 came to the pial of my house and told me to open the door otherwise they would set fire to the house. I opened the door. They examined my house and went away.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42

Witness re-called and cross-examined. D. A. 19-11-42.

Cross-examination by Mr. B. R.—I have not reported about this compulsion to any one. Eleven or twelve days after this the Police examined me.

Cross-examination by Mr. H. S.—None else was in my house when the above-said persons came in search of Police.

Re-examination.—I was then studying in the Training School and so I did not make any report.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
19-11-42.

Deposition of Periaswami.—P. W. 53.
Father's name—Subbaraya Mudaliar.
Age—40 years.
Caste—Mudaliar.
Occupation—Telegraph Lineman.
Residence—Nyamathi.

Duly sworn,
12-11-42.

I look after the telegraph line between Nyamathi and Shikarpur. On 17-9-42 I inspected the line between 26 and 31 miles. The telegraph lines had been cut. I sent a report Exhibit P43 to the Police Inspector of Shikarpur then.

Cross-examination.—Nil.

(Sd.) SUNDARARAJA RAO,
Special Judge,
12-11-42.

Deposition of Bhotappa—P. W. 54.
Father's name—Basappa.
Age—45 years.
Caste—Lingaye
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
12-11-1942.

One and a half months ago, 4th October 1942, the Police searched the house of A33 Chendrasekharappa. A whistle with a cord M. O. 41 was found in a niche in in that house. The Police seized it under a mahazar. I have attested the mahazar. On that day A33's mother was in the house. A33 was not at home when this M. O. was traced. A33's father is dead. I was also present when the revolver was traced in the well of Sowcar Basavannappa. I was also present when the Police monograms M. O. 26 was traced in Sowcar's hittal in a burnt place. I have attested the mahazars in those connections.

Cross-examination—Ni'

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-1942.

Witness recalled and cross-examined. D. A. 19th November 1942.
Cross-examination by Mr. B. R.—A6 is not in Yerekatte.
Cross-examination by others—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
19-11-1942.

Deposition of Dodda Basaiya—P. W. 55.
Father's name—Nagalingiah.
Age—43 years.
Caste—Lingayet.
Occupation—Patel
Residence—Gama.

Duly sworn,
12-11-1942.

On 29th September 1942, I had gone to Isoor. In Veerabhadra temple we found a gong and two flags. M. Os. 18 to 20. The Police seized them. Pieces of leather belt and a ring were found near the Garudagamba of this temple. The Police seized them also. We found near the firewood heap broken fire wood pieces which were somewhat burnt. The Police seized all of them. These are M. Os. 23, 22. There was a pole there which had blood stains. This is M. O. 21. The Police seized them. Four or six clubs were traced near the temple. These are M. Os. 12 to 16. The Police seized them. There was a black flag M. O. 24 in the pendal in front of the village gate. The board M. O. 25 had been hung to the village supported by two pillars. On 30th September 1942, the Police traced a blood stained pole in front of A17 Hucharaya's shop. The Police seized it also. A police cap

was found that day behind the hittal of one Sannarudrappa. This is M. O. 31. The Police seized it also. I attended the mahazars regarding the tracing of cycles. I have made a report to the Police as per Exhibit P 44 about congress activity in my place.

5 *Cross-examination.*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42

Duly sworn,
10 19-11-42.

Witness re-called and cross-examined.

In my village also boys were going in Prabhat Feri. Meetings also were being held under the auspices of the congress and lectures delivered. P. W. 3 Gurubasaviah and others were attending that meeting and delivering lectures telling to 15 people not to pay kandaya. They were not telling them to assault public servants. Gurubasaviah referred to in Exhibit P 44 is P. W. 3.

Cross-examination by others—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
20 19-11-42.

Deposition of Mr. H. R. Krishna Murthy—P. W. 56.
Father's name—H. Raghavendrachar.
Age—32 years.
Caste—Brahmin.
25 Occupation—Sub-Assistant Surgeon.
Residence—Jadi, Sorab Taluk.

Duly affirmed,
12-11-42.

In September and October 1942, I was employed in McGann Hospital, Shimoga. 30 The injured persons of the case were in-patients in that Hospital then. On 14th October 1942, Mr. Thipperudriah, First Class Magistrate, had come to the Hospital then to hold an identification parade. The injured Daffedar and the injured Police Inspector identified some persons in that parade. A mahazar was got written then by the Magistrate. I have attested it. About 50 or 60 people were in the parade.

35 *Cross-examination.*—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
12-11-42.

Deposition of Ramiah—P. W. 57.
40 Father's name—Bhemanna.
Age—35 years.
Caste—Gollar.
Occupation—Police Constable.
Residence—Shikarpur.

Duly sworn,
13-11-42.

45 I am in Shikarpur since three years. I used to go to Isoor on duty. On 28th September 1942, I went with Amildar, Sub-Inspector, Inspector, Police Constables, and Revenue Inspector to Isoor on bicycles. I had taken the bicycle of P. W. 12 Devappa. We reached Isoor at about 12 NOON passing through Gama. We left our bicycles at Chickjogihalli School. A1 met us near Chikjogihalli and followed 50 us to Isoor. There was a board M.O. 25 in front of the village gate of Isoor. We removed it and went to Veerabhadra temple. Congress children came to us beating gongs and told us not to enter temple premises and that we should not have gone to that village. The Sub-Inspector was telling the children that they would do nothing to them and that they may go home. The gong was beat loudly. The 55 Inspector snatched the gong. A1 Gurappa wrested the gong from Inspector's hands and sounded it loudly. Then 200 or 300 males and females came to the temple with clubs and firewood pieces. Sowcars Basavannappa and Rudrappa came there and incited the people, to beat us stating that we had gone there to arrest them. Our turbans and hats were removed by the people in the crowd. The people then 60 began assaulting us with clubs. A41 Rangappa beat me. Angadi Halappa and

A23 Erabasappa also beat me. As I had severe injuries my head reeled and I fell down unconscious. I had bleeding injuries on the head. I regained consciousness only in Shimoga Hospital. A11 Siddalingappa and others whom I do not remember were in the crowd then. I was discharged from the Hospital on 1st November 1942. My head is still reeling and my face has still pains. I had a cap and a turban on my head M. O. 31 is my cap. I identify it as its top is worn out. M. O. 38 is the bicycle on which I had gone to Isoor.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42

Witness re-called and cross-examined :—

Duly affirmed,
19-11-42.

Cross-examination by Mr. B. R.—Ten or 15 boys and girls came first to the scene of occurrence. I cannot name them. I cannot name the boy that was sounding the gong. All our party were below the temple pial, and seven or eight feet from it. For about five minutes the boys were demanding the head dress. No boy or girl removed the hat. Sub-Inspector was beaten but I do not remember it. The children did not snatch our turbans. After the crowd assembled the people in the crowd removed them. I was beaten along with others. Two hundred or 300 people had assembled when we were beaten. My statement has not been recorded by the Police.

Cross-examination by Mr. R. K. J.—I myself removed the board M.O. 25 from the village gate. The boys were telling us to wear khadder and Gandhi caps. This went on for five minutes. Jettappa was standing on my right side. Daffedar was on my left side. Amildar was standing on the pial. The Sub-Inspector was in front of me.

Cross-examination by Mr. H. B. S. R.—The Sub-Inspector was one yard in front of me. Two people in front and one on the right hit me. Many others also hit me from behind. A41 Rangappa was on my right. He was two feet from me. Jettappa went away either to the front or behind when I was beaten. A41 hit me on the head. Angadi Halappa and A23 hit me from the front. The Sub-Inspector was in front beyond my assailants. I did not see if any Police man was by my side when I was beaten. I did not tell any one not to beat me. I do not remember in what portions of my body these two beat me. A41 beat me at first. After the three assaulted me I fell down. I had no revolver. I do not remember if I had a lathi with me then. I do not know why I was taken by the Inspector and Sub-Inspector to Isoor. I did not beat any one with the lathi. I do not remember if other Police Constables had lathis.

Cross-examination by S. C.—I had seen A41 even before that day. I have been seeing him for the last two or three years. I have seen him 30 times in the course of my duty.

Re-examination.—The Amildar alone went to the pial when we went there.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
19-11-42.

Deposition of Mr. N. Ranoji Rao. P.W. 58.
Father's name—Narayana Rao.
Age—27 years.
Caste—Mahratta.
Occupation—Sub-Assistant Surgeon.
Residence—McGann Hospital, Shimoga.

Duly sworn,
13-11-42.

I have brought the history sheets of the injured persons at Isoor. Exhibit P45 to P50 are these sheets. Exhibit P51 and P52 are the history sheets of A4 and A5. These are all maintained in the McGann Hospital, Shimoga.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Witness re-called and cross-examined. Duly sworn, 20th November 1942.
Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
20-11-42.

5

Deposition of Hanumantha Rao. P.W. 59.
Father's name—Basoji Rao.
Age—40 years.
Caste—Maharastra.
Occupation—Police Constable.
10 Residence—Shimoga.

Duly sworn,
13-11-42.

I went to Chemical Examiner's Office from Shimoga, on 12th October 1942. He returned to me M.Os. 1 to 11, M.O. 16 and M.O. 21. All these had been sealed 15 by him. I handed them over to Daffedar Lingappa P.W. 2 on 16th October 1942 at Shikarpur. The seals were in tact when the Chemical Examiner gave these M.Os. to him. M.Os. 1 to 11 were in a sealed bundle.
Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
20 13-11-42.

Deposition of Gangamma. P.W. 60.
Father's name—Puttappa.
Age—12 years.
25 Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
13-11-42.

30 Till two years ago I was studying in Isoor in Primary IV year. Since one and a half months Prabhat Feri was going on in my place. It stopped a month ago. I had also joined it. We were singing songs and going round the streets starting from Veerabhadra temple. One in the procession used to say 'ಜೋಲೋ ಭಾರತ ಮಾತಾ' others used to say 'ಜೈ'; one used to say "ಬಂಡ ಮಾಸೆಯ ನಾಯಕರರೆ" others 35 used to shout "ಧಿಕ್ಕಾರ"; one used to say "ಕಾಂಗ್ರೆಸ್ಸಿಗೆ ಸೇರದ ಮನೆಗಳಿಗೆ" others were shouting "ಬೆಂಕಿ ಹಚ್ಚುತ್ತೇವೆ"; one used to say "ಸಂಬಳ ಇಲ್ಲದ ಸಾರಿಗೆ ಇಲ್ಲದ ಮೆಂಬರೆ" others used to shout "ರಾಜಿನಾಮೆ ಕೊಡಿ"; one used to say "ಗಂಧದ ತ್ಯಾಗದ ಮರಗಳನ್ನು" others used to shout "ಕಡಿಯರಿ". Sowcar Basavannappa, A3 Soorappa, A5 Paniappa, A39 Lingoji, A19 Hanumantha were taking leading part in Prabhat Feri. A10 and A3's wife also 40 were taking part in this procession.
Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

45

Duly sworn,
17-11-1942.

Witness re-called and cross-examined.
Cross-examination by Mr. B. R.—About 100 people were attending the Prabhat Feri. All of them were boys. The Police have not examined me.
Cross-examination by Mr. R. K. J.—Seven or eight girls were taking part in it. 50 I was not understanding the meaning of slogans.
Cross-examination by Mr. A. P.—A10 returned from her father's house two or three days before the occurrence. She was in her father's house for three or four months, before coming here. Her father's house is in Honnali. I had tears in my eyes when I was examined on the previous day as I was afraid.
5 *Re-examination.*—Elders also were coming for Prabhat Feri.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-42.

Re-examination with permission.—A10 began coming to Prabhat Feri after she 60 returned from her father's house.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
17-11-42.

Deposition of Mr. C. H. Dasappa.—P. W. 61.
Father's name—Kariappa.
Age—33 years.
Caste—Upparu.
Occupation—Police Inspector.
Residence—Shikarpur.

Duly sworn,
13-11-42.

I am working as Police Inspector of Shikarpur from February 1940. I was on leave from 1st August 1942 to 8th October 1942. I rejoined duty on 8th October 1942. I know A1 Gurappa and A9 Sankarappa. The Sub-Inspector of Hirekerur sent them to me on 21st October 1942 stating that they were political suspects. I arrested them as they were required for this case as there were non-bailable warrants against them.

We maintain a Government Property Register. I see M. O. 28 a revolver. This belongs to Government. Its number is 366002 and this number is found in the Property Register Ex. P. 53 as per Ex. P53(a)—M. O. 48 the pouch is the pouch of M. O. 28. That also belongs to Government. Ex. P53 shows that there were 23 cartridges on 1st August 1942 when I handed over charge. Ex. 53(*b*) shows that the pouch M. O. 48 belongs to Government.

Cross-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Witness re-called and cross-examined.

Duly sworn,
20-11-42.

When I assumed charge of the Taluk after leave I did not get cartridges to my charge.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Deposition of Mr. Narasimhachar—P. W. 62.
Father's name—Narasimhachar.
Age—46 years.
Caste—Brahmin.
Occupation—Police Inspector.
Residence—Sorab.

Duly sworn,
13-11-42.

I was deputed to investigate into this occurrence at Isoor from 28th September 1942. On 28th September 1942 at about 2 A.M., *i.e.*, early in the morning of 29th September 1942, I came to Shikarpur from Sorab and entered on my duties. When I came to Shikarpur, the District Medical Officer, Assistant Surgeon and the Sub-Assistant Surgeon of Shikarpur were treating the injured persons. P. W. 17 Mr. Suryanarayana Rao was there and he held the inquest over the dead bodies of Amildar and Sub-Inspector.

On 29th September 1942, I examined the injured persons in the morning except P.W. 57 Ramiah. The latter was not in a fit condition for examination. On 29th September 1942, in the afternoon, I went to Isoor and to the scene of occurrence. I noticed a board M. O. 25 and the flag M. O. 24 hung up to the eastern entrance of the village. I seized them. The whole village has been deserted except a few old persons and children. I went to Veerabhadra temple. Then I saw a burnt spot in front. I saw pieces of belt burnt down with a ring M. O. 22. Forty feet from it was a fuel heap. I saw two feet of ground burnt there. That was a spot covered with green grass but burnt. I saw burnt firewood pieces M. O. 23 in that spot. Near the firewood heap I saw a pole M. O. 21 fixed to the ground. It had blood stains. I seized it. I found two flags and a gong inside the temple, M. Os. 18 to 20. I found four clubs M. Os. 12 to 15 round the temple. I seized all the abovesaid articles under a mahazar. I searched the houses of some of the accused. I found nothing there. None of the accused was in

the village then. I examined some witnesses at Isoor and returned to Shikarpur on the evening of 29th September 1942. On 30th September 1942, I again went to Isoor. I examined some witnesses that day and searched the house of A39 Lingoji. He was not at home. Exhibit P19 series were found in his house. I seized them under a mahazar. On that day I found M.O. 16 a stick with bloodstains in front of the shop of A17 Hutcharaya. I arrested A12, A31, A29 that day at Isoor. I found M.O. 31 a Police cap in the hittal of A29 Sannarudrappa. I returned to Shikarpur that evening. On 1st October 1942, I again went to Isoor and stayed there till 16th October 1942. On 1st October 1942, I sent a list of accused persons to Shimoga Inspector to trace the accused. I examined some witnesses that day. On receipt of information that there were some bicycles in the tank, I went there on 2nd October 1942 with panchayetdars. I found six bicycles in that tank M.Os. 32 to 37. I sent certain sealed arricles M. Os. 1 to 11, 16 and 21 to the District Superintendent of Police for being sent to the Chemical Examiner for examination. I got the bag made for putting M.Os. 1 to 11 and I sealed that bag.

On 3rd October 1942, I examined some witnesses and searched some houses and arrested A32, A22, A8, A27 and A13. I found two bicycles M.Os. 38 and 43 behind the hittal of P. W. 13 Gangamma. On 4th October 1942, I searched the house of A33 Chendrasekharappa and found the whistle with cord M.O. 41 in his house. I arrested A17, A23, A14, A24 and A38 on 4th October 1942.

I arrested A25 on 5th October 1942. A3 and A20 were sent to me on 5th October 1942 by the Inspector of Shimoga. I arrested A10 on 6th October 1942. On the information given by her I recovered a revolver M.O. 17 from a well in her house. A10 is Sowcar Basavannappa's wife. On 6th October 1942, Hittal Patel Veerabhadrappa produced Exhibit P40 with a gold wrist-watch with chain, one gold ring and one whistle and barrel of a fountain pen, M.Os. 40, 44, 45 and 42. I examined Holayappa and others that day. I arrested A34, A7 and A4, on 7th October 1942. On 7th October 1942, I examined some witnesses. On 8th October 1942, I arrested A41, A28, A21 and A37. I also wrote to the Inspector, Shimoga, to arrest A4 and A5 who were in-patients in the Shimoga Hospital. I arrested A36 on 9th October 1942 and examined some witnesses. I arrested A16 Hanumantha on 11th October 1942. I found some police monograms and belt parts M.Os. 26 behind Sowcar Basavannappa's hittal.

On 12th October 1942, I arrested all. On 12th October 1942 P.W. 19 produced cartridges M.O. 39 to me. A2 was arrested at Honnali, on 20th October 1942 and produced before Court direct.

I arrested A15 on 14th October 1942. On that day I went to Shimoga to get an identification parade held. The *Ex-officio* First Class Magistrate conducted that parade in front of the McGann Hospital, Shimoga. A4 and A5 were included in that parade. I placed the charge sheet on 15th October 1942. A26 Jaya came to Isoor on the night of 18th October 1942. On 19th October 1942 he gave me information regarding two revolvers. I searched the hittal of Sowcar Basavannappa. I found in M.O. 27 Thatrani two revolvers M.Os. 28 and 29 buried under a plantain tree. I seized under a mahazar. A7 and A19 gave me information. On the information given by A7, I discovered the revolver pouch in a pond at Isoor on 1st November 1942. This place is behind A7's house. A7 was present and he pointed out the spot. On information given by A19 I recovered the watch M.O. 47 from P.W. 50 Mallappa. He also showed a spot behind Sowcar Basavannappa's house from which I recovered M.O. 30. M.O. 30 had been buried underground. I seized all these under a mahazar. I got the sketch of the scene of occurrence prepared under my instructions by a Surveyor Sivanagappa of Shikarpur. Exhibit P54, P54 (a) and P54 (b) is the sketch prepared in triplicate. Exhibit P55 is the extract of the birth register showing the date of A26 Jayappa's birth.

In Veerabhadra temple Congress slogans had been written on the beams. I have got these slogans photographed as per Exhibit P34 to P39. I have noted in the mahazar all the writings found in the temple. Exhibit P18 is the mahazar. On 29th September 1942, I had kept a special reserve police to guard the village. Even now they may be there. I received Chemical Examiner's report Exhibit P29 on 14th October 1942. On 26th October 1942 we got the M.Os. 1 to 11, 16 and 21 from the Chemical Examiner. I produced them to court. I had put some queries to the Doctor as per Exhibit P9 and P10. Doctor's replies are Exhibits P11, P12 and P13. I have seen the S. B. reports Exhibits P33 to P33 (b) and Exhibit P26 series, Exhibits P20 and P21 during the course of investigation. I had seen Exhibits P15 to P17 also during the investigation.

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By Court.—After 2 P.M. on 29th September 1942, I, Deputy Commissioner, Police Superintendent Mr. Babu Reddy and others went for the first time to Isoor after the occurrence. Isoor is seven miles from Shikarpur by road. It may be about four miles by cross-cut. I do not know. I have no idea whether any action had been taken on the S. B. reports referred to above. 5

By P. P.—We had information that the villagers of Isoor and of the neighbouring villages were in a desperate mood armed with clubs and fire arms. So we could not go earlier. We had to get force from Shimoga and Bhadravati before going to Isoor. After getting sufficient force we went to Isoor. Exhibit P56 is the copy of the Government notification declaring District Congress Committees, All-Mysore Congress Committee, etc., as unlawful associations. 10

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42. 15

Witness re-called and cross-examined.

Duly sworn,
24-11-42.

Cross-examination by Mr. B. R.—On September 1942, I examined P.W. 23, 46, 32, 19, 40, 57 and Kadappa, Jaffer Sheriff, P.W. 38 Gaviappa, Seshachar P.W. 15 and 16. I examined them at Shikarpur on that day between 7 A.M. to 1 P.M. On the same day I examined P.Ws. 3 to 5 at Shikarpur between 8 and 10 P.M. On that day I did not examine any one at Isoor. None of the injured persons have given the names of other eye witnesses who were present at the time of the occurrence. I have read Exhibit P33 (*b*). Gurubasaviah referred to in Exhibit P33 (*b*) and P26 (*c*) is P.W. 3 Gurubasaviah. It is stated in Exhibit P26 (*d*) that Gurubasaviah is a man of no principles. This man is P.W. 3. It is also stated that he addressed the meeting and that he told the people not to pay *kandayam.* 20 25

P.W. 6 Rudrappa has not mentioned the names of A7 and A19 in his statement recorded by me. P.W. 11 Alli Sab has stated before me that A4 was in the crowd. I have noted that he has corroborated P.W. 46 Revenue Inspector but I have not specifically noted that A4 was in the crowd. P.W. 11 has referred to 17 accused which I have noted. P.W. 19 has stated before me what is contained in Exhibit D2. P.W. 19 has not mentioned the name of A23 Veerabasappa before me. P.W. 23 has stated before me by reference to A10 that she had worn two nose screws. P.W. 25 Basavannappa has stated as per Exhibit D1 before me. P.W. 28 Gutyappa has referred to A3, A5, A9 and A26 in his statement before me. He has also mentioned the names of others who are not among the present accused. P.W. 33 Puttappa has not stated before me that A4 and A5 had clubs. But he has stated that they were beating the Amildar's party. He has also not stated the dragging of the Amildar from the pial. The investigation disclosed that P.Ws. 44 and 60 had also seen the incident at the earlier stage up to the shooting incident. P.W. 44 also speaks to the Police party being tied. I had not arrested P.W. 30. 30 35 40

By Court.—I have not arrested Kammar Erappa and I have not kept him in custody for 12 or 13 days. None else except the accused had been arrested by me. 45

Cross-examination by Mr. K. S. Sastri.—There are no S. B. reports to show that there was trouble between Hindus and Mohamedans. I was sending special diaries to D. S. P. at Shimoga. At Isoor I examined witnesses in the temple. The District Magistrate and others were in different portions of the temple when I was examining the witnesses. I cannot say when P.Ws. 14 and 30 returned to Isoor. I have seen the statements of witnesses examined at the inquest. I did not satisfy myself that A10 had two nose screws. On 30th September 1942, I saw P.Ws. 6, 14, 30 and 25 at Isoor. The Shimoga D. S. P. Mr. Babu Reddy was there till the 7th October 1942. He is a Provincial Reserve D. S. P., and he was in charge of Shimoga District then during the absence of the permanent D. S. P., Shimoga, on leave. I came to know later that the Treasury Officer was in charge of Shimoga District. The investigation did not disclose that there were any factions in the village of Isoor. Up to 7th October 1942, I did not submit the case diaries on the spot to the D. S. P. 50 55 60

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Cross-examination by S. C.—P.W. 19 has stated before me that he saw A1, A9 and A41 in the crowd.

Re-examination.—By Exhibit D2, I mean that the Sub-Inspector opened the fire only after the persons mentioned therein attacked him. Exhibit D1, the word temple should be substituted to the word people. The word people is incorrect.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
23-11-42.

Deposition of Narasimhaiya—P.W. 63.
Father's name—Krishnappa.
Age—45 years.
Caste—Brahmin.
Occupation—Police Constable.
Residence—Shikarpur.

Duly sworn,
24-11-42.

I arrested A7 Hucharaya and A19 Hanumanthappa, on 29th October 1942, at Nyamathi Town at 1 A.M. after mid-night.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Deposition of Rangiah—P.W. 64.
Father's name—Hanumanthappa.
Age—40 years.
Caste—Byadaru.
Occupation—Police Daffedar.
Residence—Shimoga Town.

Duly sworn,
24-11-42.

I arrested A3 and A20 in Shimoga on 2nd October 1942 at 9 P.M. near the Railway Station. When I questioned them to what place they belonged, they said they belonged to Goggamaruvalli. On suspicion I produced them before the Inspector. The Inspector arrested them as they belonged to Isoor.

Cross-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Deposition of V. Prabhudas—P. W. ~~64.~~ 65.
Father's name—Vedamitriya.
Age—34 years.
Caste—Christian.
Occupation—Evanjilist.
Residence—Shimoga

Duly sworn,
24-11-42.

On 14th October 1942, I had gone to McGann Hospital, Shimoga at 5 P.M. Some Police Daffedar called me then and I went to him. Some people about 50 in number were made to stand along with Isoor people. They were all mixed up. Then one in-patient in the Hospital was brought out and he identified some people in that group. I was told he was a Daffedar. He was sent away. These persons were reshuffled and the Inspector who was an in-patient was brought there. He identified some persons in that group as having beaten him. All that took place was reduced to writing and I attested to it. There were both males and females in that group.

Cross-examination by Mr. B. R.—The two in-patients did not give out the names of the assailants but only pointed them. There were no Police officers with those two in-patients when they identified their assailants.

Cross-examination by Mr. K. S. Sastri.—Twenty-six people of Isoor were mixed up with 50 strangers in that parade. There were 6 women in that parade. I did not find any difference in the appearance of these people. There were some villagers also there. The 26 people of Isoor were standing before the Hospital.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Deposition of Sivanagappa—P. W. 66.
Father's name—Subbappa.
Age—24 years.
Caste—Lingayet.
Occupation—Sub-Overseer.
Residence—Shikarpur.

Duly sworn.

Exhibit P54, P54(a) and P54(b) is a sketch in triplicate of the scene of occurrence prepared by me on the instructions of P. W. 62 Mr. Narasimhachar. I have prepared it according to a scale 1″=10 feet. I have also prepared a sketch in triplicate Exhibit 57, P57(a) and P57(b) showing the situation of the houses of the accused and of some P. Ws. on the instructions of P. W. 62. I have drawn it to a scale of 1″=132 feet. I prepared Exhibit P54, P54(a) and P54(b) on 1st October 1942 and Exhibit P57, P57(a) and P57(b) on 20th October 1942.

Cross-examination by Mr. B. R.—If one gets in Puttappa's (P.W. 33) house he cannot see through the hole in the door the verandah of the temple referred to in Exhibit P54.

Re-examination.—The verandah referred to in Exhibit P54 is enclosed by walls on two sides. The open verandah is Exhibit P54 and can be seen from inside Puttappa's house as it has no wall. I have gone inside P. W. 33 Puttappa's and other houses referred to in the sketches.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Examination of Accused—1.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Gurappa.
Age—22 years.
Race and Religion—Viswa Brahmin.
Father's name—Eswarappa.
Resident of—Arasingere, Shikarpur Hobli.
Occupation—Ironsmith.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I am not cognisant of anything. I was not at Isoor.

Q.—It is stated that you snatched the gong from the hands of the Inspector on 28th September 1942. What have you to say?

A.—No. I did not do so.

Q.—It is stated that you beat with club, the Amildar, Inspector, Sub-Inspector and Jettappa on 28th September 1942, and tied them up to firewood pole?

A.—I did not do so. I was not at Isoor that day.

L. T. Mark of Gurappa, (A1),

Certified and signed,

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—1.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows : that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :- I have nothing further to add. I produce the list of witnesses.

L. T. Mark of Gurappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
22-11-42

Examination of Accused—2.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Mallappa.
Age—20 years.
Race and Religion—Lingayet.
Father's name—G. Basappa.
Resident of—Churchugundi, Shikarpur Taluk.
Occupation—Agriculturist.

Q.—You have heard the evidence of P.Ws. What have you got to say to that?

A.—I was not at Isoor on that day. I am not aware of anything.

Q.—It is said that other accused formed an unlawful assembly and beat with clubs, the Amildar, Sub-Inspector and Inspector?

A.—I am not aware of anything.

(Sd.) Mallappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Pela and Defence of Accused—2.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads: Three years back I took part in congress activities and suffered imprisonment for six months. After I returned I did not take part. On suspicion I am implicated.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:— I have nothing further to add. I produce the list of witnesses.

(Sd.) Mallappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—3.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of accused—Survanaravanachari.
Age—46.
Race } Viswa Brahmin.
Religion }
Father's name—Poonappachari.
Resident of—Isoor.
Occupation—Goldsmith and Agriculturist.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I am not aware of anything.

Q.—Some P. Ws. say that you and others formed an unlawful assembly and you beat the Sub-Inspector and the Amildar on 28-9-1942; what have you to say?

A.—I did not do so. I had gone to the wet land then at 10 o'clock.

(Sd.) Suryanarayanachari.

Certified and Signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
13-11-42.

Plea and Defence of Accused—3.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :— I have nothing further to add. I produce the list of witnesses.

(Sd.) Suryanarayanachari.

Certified and Signed.

(Sd.) A. SUNDARARAJA RAO,
24-11-42.

Examination of Accused—4.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 of 1942-43.

Name of accused—Sandada Gurushanthappa.
Age—26.
Race } Lingayet.
Religion }
Father's name—Rudrappa.
Resident of—Isoor, Shikarpur Taluk.
Occupation—Agriculturist.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—My elder sister's children were not in the house. In order to fetch them I went to the Veerabhadra temple. It was 28-9-1942. As I was returning with them, a shot struck me. I fell down unconscious. I am not aware of anything. I did not beat anybody

(Sd.) Gurushanthappa.

Certified and Signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge
13-11-42

Plea and Defence of Accused—4.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—

I have nothing further to add. I produce the list of witnesses.

(Sd.) Gurushanthappa.

Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
24-11-42.

Examination of Accused—5.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Phaniappachari.
Age—40 years.
Race and Religion—Viswakarma.
Father's name—Pampappachari.
Resident of—Isoor, Shikarpur Taluk.
Occupation—Goldsmith.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—On that day I was entering into the village from the direction of village gate. There was uproar near the temple. I, expecting my boy to be there, went to that place. On going there, a shot struck me. I became unconscious. I did not beat anybody. I was not a member of the unlawful assembly.

Q.—Some witnesses say that you were participating in Prabhat Feris' and congress activities. What have you to say?

A.—No. I was not doing so.

(Sd.) Phaniappachar,
Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—5.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—

I having nothing further to add. I produce the list of witnesses.

(Sd.) Phaniappachari,
Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Examination of Accused—7.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Namadeer Sadarera Hutcharayappa.
Age—18 years.
Race and Religion—Darji.
Father's name—Rukmappa.
Resident of—Isoor.
Occupation—Tailor.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I had gone to sugarcane field to repair the fence. It was mid-day. I heard uproar on that side of the village. As there were frequent breaking up of fires in the village I looked up towards the village. I did not see blaze of any kind, but there was clamour. From that place I came. After I returned, people were going to my hittal saying that Police had gone there. The mob threatened to set fire to my house if I did not point them out. I went to the hittal. Rotera Gurubasappa brought a leather pouch M. O. 40 and gave it. I refused to receive it and asked him to take it away. Many people came to our hittal. They said "You must keep it." I got frightened and threw it out into the ditch. I took the Inspector to that spot and showed it.

Q.—It is said that you had gone to Jogihalli to bring cycle from the school. What have you to say?

A.—No. I had not gone there. I swear that I did not beat anybody.

(Sd.) N. S. Hutcharayappa.
Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42

Plea and Defence of Accused—7.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows: I have nothing further to add. I produce the list of witnesses.

(Sd.) N. S. Hutcharayappa.
Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Examination of Accused—8.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942—43.

Name of Accused—B. Halappa.
Age—34 years.
Race or Religion—Lingayet.
Father's name—Basappa.
Resident of—Isoor.
Occupation—Agriculturist.

Q.—You have heard the evidence of P.Ws. What have you got to say to that?

A.—I was not in the village. I had gone to graze bullocks. I have nothing further to add.

Q.—P.Ws. state that you beat the Amildar and Sub-Inspector.
A.—I did not beat.

(Sd.) B. Halappa.

Certified and signed.

5 (Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—8.

Having heard the charges read and explained and being asked whether he is 10 guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he want to examine all witnesses.

15 The accused having been called upon to enter on his defence states as follows :— I have nothing further to add. I produce the list of witnesses.

(Sd.) B. Halappa

Certified and signed.

(Sd.). A. SUNDARARAJA RAO.
20 *Special Judge.*

Examination of Accused—9.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—G. Shankarappa.
25 Age—22 years.
Race and Religion—Devanga.
Father's name—Holiappa.
Resident of—Isoor.
Occupation—Agriculturist.

30 *Q.*—You have heard the evidence of P. Ws. What have you got to say to that?

A—I had gone on that day to the wet lands which is beyond the river. I had my meal when I left at 10 o'clock. I know nothing. I did not beat anybody.

Q.—It is said that you went to Veerappa P.W.52's house on 28th September 1942 in search of cycle. What do you say?

35 *A.*—No. I did not go.

Q.—P.W. 34 Savakki says that you tied M.Os. 44, 45, 40, 42 in a bundle and kept it in her house on a Tuesday. What have you to say?

A.—I have not done so. I do not know anything about it. I am not related to her. She belongs to my caste.

40 *Q.*—It is said that you went to Imam Sab's house in search of Issac Mia P.W.19. What have you to say?

A.—I did not go.

(Sd.) G. Shankarappa.

Certified and signed.

45 (Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—9.

Having heard the charges read and explained and being asked whether he is 50 guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

55 The accused having been called upon to enter on his defence states as follows :—I have nothing further to add. I produce the list of witnesses.

(Sd.) G. Shankarappa,

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
60 *Special Judge.*

Examination of Accused—10.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Halamma.
Age—About 25 years.
Race and religion—Lingayet.
Father's name—Mallappa.
Resident of—Isoor.
Occupation—Household work.

Q.—You have heard the evidence of P. Ws. What have you got to say to that.

A.—I do not know anything. I am innocent.

Q.—Some witnesses have said that you and others formed an unlawful assembly on 28th September 1942 and beat the Amildar and the Sub-Inspector. What have you to say?

A.—I did not do so. I remained in my house. I am not a ware of anything.

Q.—It is said that you kept vigil over the dead and the injured. What have you to say?

A.—No. I did not do so.

Q.—Some witnesses have said that you pointed out to the Police, the pistol M. O. 17 lying in the well. What have you to say?

A.—The Police and the Deputy Commissioner demanded the "Revolver". I denied knowledge about it. They threatened to disgrace me, to torture me if I did not give information. But I said that I did not know. They saw that though they had caused the looting of my house it was not found. They said Policemen from Shikarpur would be summoned and my house would be set on fire, if I did not speak out. I denied knowledge. I did not point out anything. I do not know what they did. Gowda Gurubasappa is not well disposed towards me.

L. T. Mark of Halamma

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—10.

Having heard the charges read and explained and being asked whether she is guilty or has any defence to make pleads that she has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether she wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that she wants to examine all witnesses.

The accused having been called upon to enter on her defence states as follows:—I have nothing further to add. I produce the list of witnesses.

L. T. Mark of Halamma

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
24-11-42.

Examination of Accused—11.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Kalmane Siddalingappa.
Age—40 years.
Race and religion—Lingayet.
Father's name—Basappa.
Resident of—Kalmane, Shikarpur Taluk.
Occupation—Agriculturist.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I am not acquaint of anything. I was not in the village. I did not beat anybody. I do not know anything. Isoor is 5 miles distant from my village.

Q.—It is said that you gave watch M. O. 47 to the charge of Badakolli Mallappa. P. W. 50. What have you to say?

A.—I did not give. I do not know anything.

(Sd.) Kalmane Siddalingappa.

5 Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—11.

10 Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to 15 examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—I have nothing further to add. I produce the list of witnesses.

(Sd.) Kalmane Siddalingappa.

Certified and signed.

20 (Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—12.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43

25 Name of Accused—Namadeva Sadari Durgoji.
Age—26 years.
Race and religion—Darji.
Father's name—Rukmappa.
Resident of—Isoor.
30 Occupation—Tailor.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I had gone to Hankal (dry land), on that day. I had gone to transplant mango plants. I and my father had gone there. My mother brought meals. We 35 ate it and were working in our field. We returned in the evening. By the time we returned the disturbances was over. All was quiet.

(Sd.) N. S. Durgoji.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
40 13-11-42.

Plea and Defence of Accused—12.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

45 Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—
50 I have nothing further to add. I produce the list of witnesses.

(Sd.) N. S. Durgoji.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
55 24-11-42.

Examination of Accused—13.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Ramanna.
Age—35 years.
Race and religion—Devanga.
Father's name—Thimmappa.
Resident of—Isoor.
Occupation—Agriculturist.

Q.—You have heard the evidence of P. Ws. What have you got to say to that ?

A.—I know nothing. I did not beat any body. I was not a member of an unlawful assembly.

L. T. Mark of Ramanna.

Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—13.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—I have nothing further to add. I produce the list of witnesses.

L. T. Mark of Ramanna.

Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Examination of Accused—16.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Hanumantha.
Age—34 years.
Race and religion—Madivalaru.
Father's name—Basappa.
Resident of—Isoor.
Occupation—Washerman.

Q.—You have heard the evidence of P. Ws. What have you got to say to that ?

A.—I had gone on that day to the channel to wash clothes. I went at 8 A.M. I returned home at 5 P.M. I do not know anything. I did not beat anybody.

Q.—Some witnesses say that you had gone to Jogihalli on that day. What have you to say ?

A.—I had not gone; channel runs by the side of the village. I was in channel. I did not go there for any purpose.

L. T. Mark of Hanumantha.

Certified and signed.
(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

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Plea and Defence of Accused—16.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :— I have nothing further to add. I produce the list of witnesses.

L. T. Mark of Hanumantha.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—18.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 of 1942-43

Name of Accused—Neelakantappa.
Age—25 years.
Race and religion—Nayanaja Kshatriya.
Father's name—Halappa.
Resident of—Isoor.
Occupation—Kulkasabu.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I do not belong to that village. I belong to Halivana. On that day, I went to the village of Bati as my father-in-law was ill. I did not beat anybody. I did not tie up anybody to a post.

Q.—It is said that you brought P. W. 28 Guttappa on 26th September 1942 to the temple. Is that so?

A.—No, sir.

(Sd.) Neelakantappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—18.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:— I have nothing further to add. I produce the list of witnesses.

(Sd.) Neelakantappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—19.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—N. R. Hanumanthappa.
Age—15 years.
Race and religion—Darji.
Father's name—N. R. Tulajappa.
Resident of—Isoor.
Occupation—Tailor.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—On that day I was in the village. I learnt that Amildar and some others had come. My mother said 'you accompany Prabhat Feri daily. You may be arrested. You better go to the field and remain there till evening.' I did not go to the field. I hid myself in my grand-mother's house. I did not come out till evening. I came out in the evening and went to the field. My elder brother was there. I informed him about the disturbance that occurred in our village and returned to the village after sunset. My elder brother is A21 Subbarayappa.

Q.—One of the witnesses says that you were calling boys on 28th September 1942, saying "Police are coming. We must obstruct them".

A.—When I was going to hide myself I met teacher Puttappa P. W. 33. He asked me why I was panicky and flying. I said that the Amildar and others had come to effect arrest and therefore I was running.

Q.—It is said that you pointed out where the records M. O. 30 of the Patel were.

A.—Yes I did so.

Q.—It is said that you were participating in Prabhat Feris.

A.—Yes I did join. When I had no work, I used to accompany.

(Sd.) N. R. Hanumanthappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42

Plea and Defence of Accused—19.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows:—that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—I have nothing further to add. I produce the list of witnesses.

(Sd.) Neelakantappa,

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge

Examination of Accused—20.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Nagesachari.
Age—32 years.
Race and religion—Viswakarma.
Father's name—Pumpappachari.
Resident of—Kalmane.
Occupation—Goldsmith.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I do not know anything. I did not beat anybody. On that day, I was at Kalmane.

Q.—It is said that you tied up Amildar and some others. What have you to say.

5 *A.*—No. I did not do so.

(Sd.) Nagesachari.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
10 13-11-42.

Plea and Defence of Accused—20.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case 15 whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :— I having nothing further to add. I produce the list of witnesses.

20 (Sd.) Nagesachari.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—21.

25 IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Subbarayappa.
Age—18 years.
Race and religion—Chippigaru.
30 Father's name—Tulajappa.
Resident of—Isoor.
Occupation—Tailor and Agriculturist.

Q.—You have heard the evidence of P.Ws. What have you got to say to that ?

A.—I had gone to the field. I do not know anything. I did not beat 35 anybody.

Q.—It is said that you tied the thumbs of the Inspector and Jettappa.

A.—No. I did not do so.

Q.—Do you know anything about the bicycle ?

A.—No.

40 (Sd.) Subbarayappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

45 **Plea and Defence of Accused—21.**

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution 50 whose evidence has been taken, states as follows that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :— I have nothing further to add. I produce the list of witnesses.

(Sd.) Subbarayappa.

Certified and signed.

(Sd). A. SUNDARARAJA RAO, 5
Special Judge.

Examination of Accused—22.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Punaji Chennabasappa. 10
Age—28 years.
Race and religion—Lingayet.
Father's name—Halappa.
Resident of—Isoor.
Occupation—Agriculturist. 15

Q.—You have heard the evidence of P.Ws. What have you got to say to that ?

A.—I was not in the mele. I am not guilty. I did not beat anybody.

Q.—It is said that you were participating in Prabhat Feris. What have to say ?

A.—I was not taking apart. I do not know anything. I was eating in my 20 house when the disturbance occurred.

(Sd.) P. Chennabasappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge, 25
13-11-42.

Plea and Defence of Accused—22.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the 30 case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows : that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :— I have nothing further to add. I produce the list of witnesses. 35

(Sd.) P. Chennabasappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—23. 40

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE NO. 1 OF 1942-43.

Name of Accused—Mudabagal Veerabasappa.
Age—60.
Race and religion—Lingayet.
Father's name—Veerappa. 45
Resident of—Isoor.
Occupation—Agriculturist.

Q. —You have heard the evidence of P. Ws. What have you got to say to that?

A.—On the day of occurrence at 10 A.M., I had gone for grazing bullocks. I 50 do not know anything of the disturbance.

Q.—It is said that you beat Police Constable Ramiah. What have you to say ?
A.—I did not beat.

(Sd.) M. Veerabasappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—23.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows : that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows :—
I have nothing further to add. I produce the list of witnesses.

(Sd.) M. Veerabasappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Examination of Accused—37.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Parvathamma.
Age—40 years.
Race and religion—Lingayet.
Father's name—Halappa.
Resident of—Isoor.
Occupation—Cooly.

Q.—You have heard the evidence of P. Ws. What have you got to say to that ?

A.—I do not know anything. I am innocent. I had gone to the wet land I was not in the house.

Q.—It is said that you pursued P. C. Issac Miya on that day.

A.—No. I did not do so.

Q.—It is said that you dragged the Amildar and beat him on that day.

A.—No. I did not do so.

Q.—It is said that you went to Chikkajogihalli in search of a bicycle on that day. What have you to say.

A.—No. I did not go.

L. T. mark of Parvathamma.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—37.

Having heard the charges read and explained and being asked whether she is guilty or has any defence to make plead that she has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether she wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows : that she wants to examine all witnesses.

The accused having been called upon to enter on her defence states as follows :— I have nothing further to add. I produce the list of witnesses.

L. T. mark of Parvathamma.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO, 5
Special Judge,
13-11-42

Examination of Accused—38.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43. 10

Name of Accused—Siddamma.
Age—25 years.
Race and religion—Lingayet.
Father's name—Advappa.
Resident of—Isoor. 15
Occupation—Cooly.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I do not know anything. On that day I was not in the crowd. I was not in the house also. I had gone to the field.

Q.—It is in evidence that you beat the Amildar and Revenue Inspector. What 20 have you to say?

A.—No. I did not do so.

L. T. Mark of Siddamma

Certified and signed.

(Sd.) A. SUNDARARAJA RAO, 25
Special Judge.
13-11-42.

Plea and Defence of Accused—38.

Having heard the charges read and explained and being asked whether she is guilty or has any defence to make pleads that she has not committed any offence. 30

Having been asked to state at the commencement of next hearing of the case whether she wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that she wants to examine all witnesses.

The accused having been called upon to enter on her defence states as follows :— 35 I have nothing further to add. I produce the list of witnesses.

L. T. mark of Siddamma.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge. 40
13-11-42.

Examination of Accused—39.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—C. Lingappa *alias* Lingoji. 45
Age—16½ years.
Race and religion—Tailor.
Father's name—Lakshmanappa.
Resident of—Now in Shimoga.
Occupation—Student. 50

Q.—You have heard the evidence of P.Ws. What have you got to say to that?

A.—It is true that I came from Shimoga and introduced the Prabhat Fheris. I was participating in Prabhat Feri daily. We started this 15 days after the

arrest of Mahatma Gandhi. I wrote slogans with chalk-piece on the walls and pillars of Veerabhadra temple. I did not write that Government officer should be hacked. One must have written those words out of malice and impetuosity. If I am given opportunity to look to those words I may be in a position to say whether they are written by me or not. I did not even touch the board M.O. 25 kept in Court. I saw it only on Sunday, *i.e.*, 27th September 1942. On the day of occurrence I did not participate in the affair. The evidence will disclose it.

Q.—It is said that you were in the congress meeting on 27th September 1942. What have you to say?

A.—Yes I was in the meeting on 27th September 1942.

Q.—Some witnesses say that Exhibits P19 to P19(M) were in your house.

A.—In my house were all those papers except P19(L). I am not the author of those papers. I merely copied in accordance with some printed message.

(Sd.) C. Lingappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.
13-11-42.

Plea and Defence of Accused—39.

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:—I having nothing further to add. I produce the list of witnesses.

(Sd.) C. Lingappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge.

Examination of Accused—40.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—U. Gurushantappa.
Age—28 years.
Race and religion—Lingayet
Father's name—Basappa.
Resident of—Isoor.
Occupation—Agriculturist.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I was not in the village when the disturbance occurred. I had gone to the sugarcane field. I cannot identify it. I returned at 5 P.M. By that time, the dead and injured had been carried away.

Q.—It is said that you tied up Amildar and Sub-Inspector.

A.—I did not do so. I did not tie anybody.

(Sd.) Ullahalli Gurushantappa in Kannada.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—40

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:— I have nothing further to add. I produce the list of witnesses.

(Sd.) Ullahalli Gurushantappa in Kannada.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Examination of Accused—41.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1 OF 1942-43.

Name of Accused—Anche Rangappa.
Age—31 years.
Race and religion—Valuniki.
Mother's name—Putta Yellamma.
Resident of—Sirsi, Dharwar District.
Occupation—Motor cleaner.

Q.—You have heard the evidence of P. Ws. What have you got to say to that?

A.—I do not know anything about the affair.

Q.—It is said that you beat Police Inspector, Daffedar and P. C. Ramiah. What have you to say?

A.—No. I do not know anything.

(Sd.) Rangappa,

Certified and signed.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
13-11-42.

Plea and Defence of Accused—41

Having heard the charges read and explained and being asked whether he is guilty or has any defence to make pleads that he has not committed any offence.

Having been asked to state at the commencement of next hearing of the case whether he wished to cross-examine any, if so, which of the witnesses for prosecution whose evidence has been taken, states as follows: that he wants to examine all witnesses.

The accused having been called upon to enter on his defence states as follows:— I have nothing further to add. I produce the list of witnesses.

(Sd.) Rangappa.

Certified and signed.

(Sd.) A. SUNDARARAJA RAO
Special Judge,
13-11-42.

Exhibit D 1.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

C. C. No. 1 OF 1942-43.

Case Diary on 30-9-1942.—Examined Marisivappala Basavannappa, son of Halappa, Lingayet, 32, Agriculturist, Isoor village.—He corroborates the above witness *re* congress activities in the village. At past 12 NOON on Monday last, he heard big galata and also 2 or 3 gun shots from Veerabhadra Devaru temple and also people going towards that people. He too went there to see what it was. He saw a huge crowd and Government servants being beaten with clubs. A12/9, A13/Abs, A6/3 and others were beating the Sub-Inspector with clubs. A16/11, A14/10 and others were beating the Amildar, A22/17, A25/20, A24/19, A26/21,

A10/7, A15/Abs, A1/1, A3/2, A44/37 Lingoji, son of Babanna, Iyyanora Chennabasanna and Ujjalli Gurushantappa were all in the mob beating the Amildar and others. He went home and later learnt that the Amildar and Sub-Inspector had died. Budan Sab, Pujari Rudrappa, Marisivappala Dodda Sivappa and others were also there witnessing the assault.

"True Extract."

(Sd.) H. V. NARAYANA RAO,
Head Clerk.

Exhibit D 2.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

C. C. No. 1 OF 1942-43.

Case Diary on 29-9-1942.—Examined P. C. Issac Mia, son of Pir Sab, Shikarpur Kasaba and ascertained the following :—He corroborates the above witness up to the stage when Sowcar Basavannappa and his brother Rudrappa instigated others to beat them. He saw Sandada Gurushantappa, Shantaveerappa, Akkasale Paniappachari, Suryanarayanachari and others beat the Sub-Inspector with clubs when he fired 2 or 3 shots from his revolver; still the mob went on belabouring them. Chippigara Subbaraya and others beat him. He ran away from them and while running, Punji Parvathakka and others chased him but he got into the house of one Benne Imam Sab and hid himself but as advised by him he went into the back yard and hid himself and after darkness had set in, he left the village, came to his house and then to the hospital for treatment. He lost his *latta* bearing No. 350 on it and his turban. He has sustained injuries on his shoulders, back, legs, etc. He had been given by the Sub-Inspector some revolver cartridges. He had them in his house and does not know how many and says he would produce them when he is discharged. He had also kept his bicycle borrowed from one Gurushantappa, employee in Mahabala Sastry's Rice Mill at Shikarpur. The value of properties he lost may be Rs. 60. Akkasale Nageshachari, Patel Gurushantappa, Adikarnatakara Teja, Holebasya (Ramalli), Angadi Halappa and Madivalara Hanumanthappa were present in the mob.

"Extract."

(Sd.) H. V. NARAYANA RAO,
Head Clerk.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR

CRIMINAL CASE No. 1 OF 1942-43.

Complainant		*Accused*
Government of Mysore by the Police of Shikarpur.	*Vs.*	K. Gurappa and others.

The following witnesses have been examined for the defence :—

D. W.	1	Mallappa	D. W.	22	Dr. N. A. Iyengar
,,	2	Basavannappa	,,	23	Hanumanthappa
,,	3	Paree Sab	,,	24	Siddappa
,,	4	Ramanna	,,	25	Erappa
,,	5	Dodda Bhimappa	,,	26	Budan Sab
,,	6	Mahadevappiya	,,	27	Siddalingappa (Angadi)
,,	7	Murigeppa	,,	28	Chennabasappa
,,	8	Murigeppa (Patel)	,,	29	Hanumanthappa
,,	9	Doddappa	,,	30	Siddabasappa
,,	10	Hucharayappa	,,	31	Veerabasaviah
,,	11	Haledeppa	,,	32	Basavannappa
,,	12	Syed Ahmed Saheb	,,	33	Hakki Veerabasappa
,,	13	Bhavani Rao	,,	34	Hutcha
,,	14	Subbanna	,,	35	Holiayappa
,,	15	Hucheerappa	,,	36	Halappa
,,	16	Basappa	,,	37	Manjappa
,,	17	Sanna Siddabasappa	,,	38	Puttachari
,,	18	Mahadevappa	,,	39	Govindamma
,,	19	Holeyappa	,,	40	Sidlingappa
,,	20	Vodakappa	,,	41	Fhakeerappa
,,	21	Holeyappa	,,	42	Krishnappa

Deposition of C. Mallappa—D.W. 1.
Father's name—Pu ttappa.
Age—38 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
26-11-42.

I know A6 Huchahalli Veerappa. He is the son of Rudrappa. A6 lives in Yerekatte since the commencement of the last mungaru season. He lives there for grazing his 20 heads of cattle there. There is no grazing ground at Isoor for many heads of cattle. Twenty families have gone to Yerekatte on this account from Isoor. On the day of occurrence I went to Yerekatte in the morning to bring the three heads of cattle from there and which belonged to my younger brother's wife. I reached that place at 10 A.M. It is four or five miles from Isoor. My sister-in-law's cattle had gone to the grazing ground. I went to that place and stayed till 4-30 P.M. Then I brought the cattle of my sister-in-law. I saw in the grazing ground then A6, Punaji Basavannappa and others. I saw A6 in the grazing ground till I left the place from 10 A.M. I came in the evening to Isoor. Then I learnt of the incident. A6 is not called Natakesina Veerappa. Kammar Veerappa of my place is known as Natakesina Veerappa. The Police had arrested Kammar Veerappa and kept him in custody for 10 or 12 days. Then they released him and arrested A6.

Cross-examination by P. P.—I did not meet any males in Isoor that evening. My women told me of the incident. I live in Thondigere 1½ miles from the scene of occurrence. I did not see if any one was in the village that evening. My brother is dead. His widow has married another and lives in Chikjogihalli. Siddappa was present when my sister-in-law told me on the previous day to bring the cattle. I did not stay with any one in Yerekatte. That was the first and last time I visited Yerekatte. The cattle were grazing in a plain. I did not go to the house of A6 then. A6 has a house in Isoor. His wife, brother and mother live in that house. I do not go to his house frequently. A4 is my brother-in-law. I have not gone to Veerabhadra temple at any time. Kammar Veerappa is a blacksmith by caste. I go to him for smithy work occasionally. I talked to Punaji Basavannappa that day in Yerekatte. I got my sister-in-law's cattle from one Rudranna's son. They were with him for three years.

Re-examination—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Cross-examination with permission.—I was not present when Kammar Veerappa was arrested. I saw him taken in a motor bus by the Police. I did not talk to him then. He may have been released 10 or 12 days after he was arrested. I was in the village on Tuesday 29th September 1942. I was on my lands with my people on 30th September 1942 and 1st October 1942 with all my people.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of—Basavannappa.—D. W. 2.
Father's name—Chennappa.
Age—35 years.
Caste—Lingayet
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
26-11-42.

I was in Yerekatte from the commencement of the last mungaru season till the last Deepavali. I and A6 Huchhalli Veerappa were in that village during that period. Both of us were living there grazing our cattle. On a Tuesday I came to

know of the disturbance at Isoor on the previous Monday two months back. On that day Monday I and A6 were in Yerekatte grazing our cattle from morning till evening.

Cross-examination.—I and A6 were together in the same place till evening that day. I and A6 live in the same house in a jungle there. Many people in Yerekatte know this. I did not come back to Isoor till the last Deepavali. My brothers were in my house at Isoor.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of—Pore Sab—D.W. 3.
Father's name—Hussain Sab.
Age—50 years.
Caste—Mohamedan.
Occupation—Agriculturist.
Residence—Arasingere, Shikarpur.

Duly sworn,
26-11-42.

I know A28 Gurusanthappa. He has lands at Arasingere. He pays Rs. 1500 as assessment. Two months ago on a Tuesday I came to know that there was disturbance in Isoor the previous day Monday. A 28 was in my village on that monday. On Monday he came to my place at 8 A.M. and went back after sunset in Isoor. He had come there to re-throw the weeds on the wet land for purposes of manure. I worked under him that day for this purpose. On Tuesday he did not come to my place as promised. I worked under him on Monday and the two previous days.

Cross-examination.—I was given wages of Re. 0-6-0 a day. I and Peerkhan and two others worked under him. Every day A28 comes to my place. Arasingere is two miles from Isoor.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Ramanna—D.W. 4. 4th witness for defence. (not summoned by A28).
Father's name—Parasappa.
Age—60 years.
Caste—Devanga.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
26-11-42

I know A28 Gurusanthappa. I know P.W. 31 Dastagir Sab and his son-in-law P.W.19 Issac Miya. P.W. 31 has cultivated A28's land for kandaya. A28 sent for me and Hutcharaya one day in Veerabhadra temple. P.W. 31 and P.W. 19 were there. A28 asked P.W. 31 for kandaya. P.W. 31 said that he had cultivated half the land and that he would pay half kandaya. A28 said that he should pay the entire kandaya P.W. 19 then said that he should take half the kandaya. A28 said that he should not interfere in this matter. P.W. 19 then said that he would see how he would recover full kandaya from P.W. 31. This was five or six months ago.

Cross-examination.—I am known as Buddivantha Ramanna. Before me P.W. 31 paid nothing to A28. The Police have examined me in the case. I was cited as a prosecution witness in this case.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Dod Bhemappa—D.W. 5.
Father's name—Thimmappa.
Age—40 years.
Caste—Devanga.
Occupation—Agriculturist.
Residence—Suthukote, Sorab Taluk.

Duly sworn,
26-11-42.

I know A17 Chindi Hutcharaya. On a Tuesday I came to know of the occurrence on the previous day Monday at Isoor. A17 had come to my place on Sunday preceeding to that Monday and stayed in my place till the succeeding Sunday. He went back to Isoor hearing the occurrence. My village is 20 miles from Isoor.

Cross-examination.—Guard Pedru told me of the occurrence. A17 was in my house for these three days. He had come to ask a girl for some one. Girl means my daughter. I do not know for whom he wanted my daughter. A17 and one Vodakappa had come together. I have married Vodakappa's brother's daughter.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of K. G. Pati Mahadevappiah—D. W. 6.
Father's name—Sivappiah.
Age—39 years.
Caste—Jangamaru.
Occupation—Land Holder.
Residence—In Isoor land.

Duly sworn,
26-11-42.

I know A38 Siddamma. She lost her mother two years ago. A38 belongs to Sadar party. It is headed by P. W. 30. Sowcar Basavannappa is the head of another faction. A38's mother had gone to cook for Sowcar's party. It appears she was asked to pay penalty for this by Sadar party. P.Ws. 14 and 30 refused to bury A38's mother after she died on the ground that the penalty was not paid. The Sowcar got the burial done. Since then A38, P.W. 30 and P.W. 14 are not on good terms. I pay Rs. 1,500 as assessment.

Cross-examination.—A28 is my brother. He and I were accused in a murder case. I was convicted and fined Rs. 500 in that case. I did not attend the burial of A38's mother.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42

Deposition of Muregeppa—D.W. 7.
Father's name—Veerappa.
Age—31 years.
Caste—Lingayet.
Occupation—Money-lender.
Residence—Honnali.

Duly sworn,
26-11-42.

A10's mother's house is in Honnali. A10 was living in Honnali for five or six months. She left Honnali for Isoor on 27th September 1942. There are three or four houses between my house and the house of A10's mother and in opposite rows. I am the Vice-President of Honnali Municipality. I pay Rs. 1,000 as assessment and Rs. 150 as income-tax.

Cross-examination.—I have a lot of court work in Shimoga. A10 went in a cart. She came to my house to bid good-bye before leaving Honnali. I cannot say on what date she arrived in my place. Murigeppa and Sivappa A10's brothers and A10 started together. I cannot say on what date the brothers returned. There is a bus service between Honnali and Isoor.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Patel Murigeppa—D. W. 8.
Father's name—Mallappa.
Age—25 years.
Caste—Lingayet.
5 Occupation—Patel.
Residence—Honnali.

Duly sworn,
26-11-42.

A10 is my elder sister. I had brought her for this year's Yugadi feast. She
10 stayed in my place for four or five months. I sent her the next day after last Ganapathi feast. Her husband had come to take her. She left my place on Sunday. I too followed her. I stayed at Isoor on Monday. I heard some galata near the temple. I did not go there. I was at home. At the time of galata A10 was serving me food. Her husband told her and others at home not to go to the place where
15 galata was going on. We left Honnali on 27th September 1942, and reached Isoor at 8 or 9 P.M. the same night.

Cross-examination.—A10's husband had brought the cart. My brother Chennappa did not go with us to Isoor. Sowcar Rudrappa too was at home in Isoor on that day. A10's house is about 1 or 1½ furlongs from the temple. I do
20 not know if A10's husband has joined congress.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

25 Deposition of Doddappa—D. W. 9.
Father's name—Chennabasappa.
Age—28 years.
Caste—Lingayet.
Occupation—Merchant and money-lender.
30 Residence—Honnali.

Duly sworn,
26-11-42.

My house is adjoining the house of A10's mother. A10 left Honnali on 27th September 1942, Sunday to go to Isoor. I pay Rs. 50 income-tax and Rs. 70
35 kandaya. I have lent Rs. 25,000.

Cross-examination.—On 27th September 1942, I left for Davangere. So I know that date. Many others were with me that day when I saw A10 going in the cart. A10 left Honnali two or three days after the last Ganapathi feast.

Re-examination.—Nil.

40 (Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Hucharayappa—D. W. 10.
Father's name—Hucharayappa.
45 Age—46 years.
Caste—Madivalaru.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
50 26-11-42.

I know A22 Chennabasappa and P. W. 8 Budan Sab. They are not on good terms. Twenty days prior to the occurrence A22, P. W. 8 were quarrelling near the village gate. A22 asked P. W. 8 for paddy. P. W. 8 denied his liability to pay it and abused him foully.

55 *Cross-examination.*—I cannot give the date on which this occurred. I did not talk anything then. I had been cited as a prosecution witness in this case.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30 26-11-42.

Deposition of Haladappa—D. W. 11.
Father's name—Kenchappa.
Age—28 years.
Caste—Halumatha.
Occupation—Petty-shop merchant.
Residence—Belagutti, Honnali.

Duly sworn,
26-11-42.

A15 Vittoba's grand-parents are in my place. On 28th September 1942, I saw A15 in my place at 2 or 3 P.M. On the same day there was disturbance in Isoor. A15 works in Harnahalli since 2 or 3 years and is with his brother.

Cross-examination.—I have seen many people that day. I can name them. I did not talk to A15. I do not know when he came to my place and when he left my place. My village is 12 miles by country road and 15 miles by high road from Isoor.

Re-examination.—Nil

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Syed Ahamed—D. W. 12.
Father's name—Syed Ameer.
Age—30 years.
Caste—Mohamedan.
Occupation—Merchant.
Residence—Harnahalli.

Duly sworn,
26-11-42.

A15 Vittoba is working in Harnahalli with his brother since 2 or 3 years. A15's brother's house and my house are separated by road.

Cross-examination.—I am a trader. A15 does tailoring work in his brother's shop. I cannot say on what dates A15 left my place and when he returned.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Bhavani Rao—D. W. 13.
Father's name—Thulajappa.
Age—28 years.
Caste—Namdev Chippigaru.
Occupation—Javali merchant.
Residence—Harnahalli.

Duly sworn,
26-11-42.

A15 Vittoba is my aunt's son. He is with me since 2 or 3 years. On 28th September 1942, A15 was in Belaguthi.

Cross-examination.—Belaguthi is 18 miles from Harnahalli. I do not pay him wages. I feed him only. A15 is a native of Isoor. His parents are there. A15 had gone to Isoor, two days prior to 28th September 1942. I know he had gone to Isoor and I do not know if he had gone to Belaguthi. I heard he was there.

Re-examination—Nil

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Subbanna—D. W. 14.
Father's name—Krishnappa
Age—40 years.
Caste—Akkasali.
Occupation—Merchant.
Residence—Kumsi.

Duly sworn,
26-11-42.

Kumsi is 14 miles from Isoor. I had seen A10 in her house at Isoor on 28th September 1942. I had gone to her house as her husband was selling old silver to

me. I stayed there in A10's house till 2 P.M. A10 was in her house when the galata was going on there.

Cross-examination.—I reached Isoor on 27th September 1942. I did not hear gun shots on 28th September 1942. On that morning boys were going in Prabhat Feris. I purchased 54 tolas of silver from A10's husband. I paid Rs. 28 to him for 54 tolas. People were saying that a big galata was going on.

Re-examination.—Nil.

(Sd). A. SUNDARARAJA RAO,
Special Judge,
26-11-42.

Deposition of Hucheerappa—D. W. 15.
Father's name—Giriappa.
Age—26 years.
Caste—Devanga.
Occupation—Agriculturist.
Residence—Malatikoppa, Sorab.

Duly sworn,
27-11-42.

I know A17 Hucharayappa. I know P. W. 46 Muniappa. A17 and P. W. 16 are not on good terms. I have lands in Isoor. My father got the weeds in our land removed this year. A17's land is adjoining ours. I was throwing the weeds one day when P. W. 46 came near our lands on his way to Salur. P. W. 46 asked then A17 who was on his land why he did not pay him Rs. 5 for past services rendered. A17 promised that he would give it later. P. W. 46 went away in a huff.

Cross-examination.—I cannot say on what date and in what month the talk between A17 and P. W. 46 took place. I do not know if A17 had paid his kandaya. I do not know if P. W. 46 had come then to attach his lands for arrears of kandaya. It was then 2 or 3 P.M. P. W. 46 came from Isoor. Patel and Shanbhog were not present then. P. W. 46 had no bicycle then.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Basappa—D.W. 16.
Father's name—Giriyappa.
Age—45 years.
Caste—Thalavar.
Occupation—Agriculturist.
Residence—Arasingere.

Duly sworn,
27-11-42.

I know A30 Hutcharaya. A30 has given his daughter in marriage to the brother of one Nagesappa of my place. Nagesappa is my sister's son. Two months ago on a Monday in the morning A30 came to my village and stayed in Nagesappa's house. I saw A30 in my village at 7 A.M. He was there the whole day till evening. I and A30 took food in Nagesappa's house that day. I and A30 had gone to the wet lands till evening. On the same day at 3 or 4 P.M., I came to know that there was disturbance at Isoor.

Cross-examination.—I am not literate. Isoor is 1½ miles from my village. A30 comes to my place occasionally. I go to his house also occasionally. We take the afternoon meal at about this time or a little later. A30 had come with me to see my new land. He and I were together that day. I cannot say from whom I learnt that there was disturbance at Isoor.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Sanna Siddabasappa—D.W. 17
Father's name—Siddappa.
Age—30 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Dodbathi, Davangere.

Duly sworn,
27-11-42.

I know A18 Neelakantappa. He came to my village 15 days prior to the last Ganesha feast as his father-in-law Siddaveerappa was ill then. A18 stayed in my place for 3 or 3½ months till he was arrested by the Police in connection with this place. A18's father-in-law was seriously ill during that period. During that period A18 did not leave my village. I pay Rs. 70 as assessment.

Cross-examination.—A18's father-in-law is alive. Revana Siddappa is the Patel of my place. My house and A18's father-in-law's house are half a furlong apart. I know A18 since six years. I have not gone to Isoor at any time. During the period A18 stayed in my place. I used to go to Davangere now and then. A18 was doing barber's work in my place. A18's father-in-law is my barber. I used to see A18 daily on the pial. One Kundur Mahadevappa also had come to Siddaveerappa. I do not know who was treating the latter and from what disease he was suffering.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Mahadevappa—D. W. 18.
Father's name—Adavappa.
Age—35 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Dodbathi Davangere.

Duly sworn,
27-11-42.

I know A18 Neelakantappa. He came to my place 15 days before the last Ganapathi feast as his father in-law Sidveerappa was seriously ill in my village. A18 continued to stay in my place till he was arrested in connection with this case. Till he was arrested A18 had not left my place and gone any where. I pay Rs. 85 as assessment.

Cross-examination.—My house is far off from Sidveerappa's house. I do not go to his house daily. I used to go to his house once in 15 days for taking a shave. A18 was not coming to my house. I used to go to a well daily near Sidveerappa's house. A18 shaved me once before Ganapathi feast. I was not watching when he would go out of the place and when he would come back.

Re-examination.—I used to see him daily on my way to bring water.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Holiyappa—D. W. 19.
Father's name—Ujjappa.
Age—45 years.
Caste—Sadar Lingayet.
Occupation—Agriculturist.
Residence—Chikkapura, Shikarpur.

Duly sworn,
27-11-42.

My village is 3 miles from Isoor. I know A39 Lingoji on a Monday at about sun set time. I came to know of the disturbance at Isoor that day. A39 had come to my place that Monday 9 A.M. to collect his dues. He stayed in my place that day till 5 P.M. to collect his dues. He went back to Isoor again that day at 5 P.M.

Cross-examination.—I owed Rs. 7 and odd to A39 Lingoji. A39 has a cloth shop in Isoor. I had purchased some cloth from him on credit. He has kept a khate in which he had noted my dues. I do not know when I purchased the cloth. I paid him Rs. 7-4-0 that day. No one was present then. I do not know from whom he collected dues that day. A39 takes food in my house whenever he comes to my place. He took food in my house that day at 1 P.M. He had taken me to see his bullocks. He had left one pair of bullocks with me for grazing. He gives me Rs. 3 for looking after his bullocks. On Mahanavami he left the bullocks with me. I do not know where A39 had gone between 1 and 5 P.M. that day.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Vadakappa—D.W. 20.
Father's name—Ramappa.
Age—42 years.
Caste—Devanga.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
27-11-42.

I know A40 Gurusanthappa. On the day the disturbance took place at Isoor I and A40 had gone each to our sugar-cane fields. Our fields are near each other. We went to the fields at 8 A.M. and returned to the village at 5-30 P.M. Between 8 A.M. and 5-30 P.M. neither of us went to Isoor. Our fields are about a mile from Isoor. I pay Rs. 25 as assessment.

Cross-examination.—I do not know if A40 cultivates his land personally. We were going together on previous days. I did not see where he went in the interval that day. No one has seen us go together that day.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Holiyappa—D.W. 21.
Father's name—Erappa.
Age—40 years.
Caste—Lingayet
Occupation—Agriculturist.
Residence—Chikkapura.

Duly sworn,
27-11-42.

My village is three miles from Isoor. I and A22 Chennabasaviah are followers of Balehalli Mutt. A22 is the leader of our Mutt in my place. P.W. 14 is the mukyasta of Siddapur Mutt. The followers of the two Mutts are not on good terms. They do not interdine with each other. P. W. 14 and A22 are not on good terms.

Cross-examination.—I and P.W. 14 are not on good terms. There is no particular ill-will between us except that we belong to opposite Mutts. There is no quarrel between A22 and P.W. 14 Shankarappa with regard to their Mutts.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Mr. N. A. Iyengar—D.W. 22.
Father's name—N. Gopaliengar.
Age—48 years.
Caste—Sri Vaishnava Brahmin.
Occupation—District Medical Officer.
Residence—Shimoga.

Duly sworn,
27-11-42.

I am the Chief Medical Officer of McGann Hospital and District Medical Officer Shimoga. Exhibit P25 is the accident register maintained in the McGann

Hospital. I see Exhibit P25 (*a*) and Exhibit P25 (*b*). The sentence 'the wound is charred' is Exhibit P25 (*a*) and P25 (*b*) are written in deeper ink from the rest of the entries therein. Whenever it is necessary I see the entries in Exhibit P25. I see the marks of injury on A4 and A5. The injury No. 1 described in Exhibit P25 (*a*) and Exhibit P25 (*b*) shows the entry of the bullet. In both cases there are exit wounds described as injury No. 2 in both cases. If there is a mark of charring in the wounds it to a certain extent gives that probable distance between the fire-arm and the injured. It depends also on the fire-arm used. I see M.O. 28 the revolver. The charring of the wounds will be a sure circumstance to determine the distance between M.O. 28 and the injured persons. If there is anything in Exhibit P25 (*a*) and Exhibit P25 (*b*) to show the distance from which the fire-arm was fired it is the sentence 'The wound is charred'. The bullets had passed out in both cases. The injuries of A4 and A5 were examined by X-ray. One of them was screened and the other was X-rayed. There is a record of it. I am an L.R.C.P. and M.R.C.S. of London University.

Cross-examination.—If the bullet passed out it does not give any definite indication of distance. If the bullet has to pass out the injured person must be nearer the fire-arm.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Cross-examination with permission.—With the revolver M.O. 28 if a shot is fired and if the bullet passes out of the injured person the injured person should be within two or three feet of the fire-arm.

Re-examination.—I am not a shot myself. I state the above facts by reference to books and experience I have gained.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
27-11-42.

Deposition of Hanumanthappa—D.W. 23.
Father's name—Dod Hanumanthappa.
Age—36 years.
Caste—Voddar.
Occupation—Contractor and agriculturist.
Residence—Bhadrapura, Shikarpur.

Duly sworn
28-11-42

I do contract work to the extent of Rs. 15,000 or 20,000. I do contract work in Isoor also. I know A25 Basavannappa. I had taken up the Village Panchayet contract work. P.W. 46 Muniappa was checking my work and passing bills. As he was creating trouble in passing bills A25 told the Amildar at Isoor that P.W. 46 was creating trouble to the contractor by not checking the work promptly. This was a year ago. Then the Amildar entrusted this work to the Well Overseer. Since then A25 and P.W. 46 do not talk to each other.

Cross-examination.—I had given a petition against P.W. 46 a year ago to the Amildar. As there was delay in getting my contract money I gave the petition. The Amildar has to pay the money for work done by me. P.W. 46 and A25 have not quarrelled before me. The Amildar entrusts the work to me. I go to Isoor daily if there is work. It is three miles from my place.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
28-11-42.

At 8 A.M. that day A31 came to beelu in my village with his bullocks. I also went there with my cattle. We both stayed in the beelu till 5 P.M. Then we went back to our places. Between 8 A.M. and 5 P.M. we had gone nowhere else. I pay Rs. 80 as assessment.

5 *Cross-examination.*—There was none else in the beelu. It is only that day I and A31 met each other in the beelu. It is one and a half miles from Isoor.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
28-11-42.

10

Deposition of Siddabasappa—D. W. 30.
Father's name—Chennabasappa.
Age—38 years.
Caste—Lingayet.
15 Occupation—Agriculturist.
Residence—Arasingere.

Duly sworn,
28-11-42.

A1 Gurappa lives in Arasingere since two years. On the day of disturbance of
20 Isoor I saw A1 in my place when I was going to my land at 12 NOON—2 P.M. A1 was then doing smithy work for one Veerabasaviah.

Cross-examination.—I did not see anyone else in my place then. I saw A1 only once that day.

Re-examination.—Nil.

25 (Sd.) A. SUNDARARAJA RAO,
Special Judge,
28-11-42.

Deposition of Veerabasaviah—D. W. 31 for A1.
Father's name—Chennabasappa.
30 Age—46 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Arasingere.

Duly sworn,
28-11-42.

35

I known A1 Gurappa. He was in my village on the date of disturbance at Isoor. That day was a Monday. I got some work done by him that day in his smithy. I got four new sickles made and one old sickle sharpened. I went to him at 9 A.M. and was with him till 3 or 4 P.M.

40 *Cross-examination.*—A1 is the only blacksmith in my place. A1 has no house in my place. He lives rent-free in Basappa's house. A1 visits Isoor when he has no work in my place. Two years ago I know A1 underwent imprisonment for congress activities. I pay 40 seers of paddy a year to A1 for doing smithy work. I must assist A1 in doing that work by pulling his bellows. D. W. 30
45 Siddabasappa had come to us that day and was sitting with us for a while. He came to us at about 2 P.M.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
28-11-42.

50

Deposition of Basavannappa—D. W. 32 for A13.
Father's name—Sankappa.
Age—30 years.
Caste—Devanga.
55 Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
28-11-42.

I know A13 Ramanna. On the day of disturbance at Isoor A13 was doing work
60 on his sugarcane field. That field is one and a half miles from Isoor. I was then in my sugarcane field. A13 was there from 9 A.M. till evening. He was about 20 feet from me.

Cross-examination.—The sugarcane plants were then three feet high. We were picking the lands then. There was none else on the adjoining lands. I was an accused in a murder case. I had been convicted in the Sessions Court. I was acquitted in appeal.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
28-11-42.

Hakki

Deposition of Veerabasappa—D. W. 33.
Father's name—Rudrappa.
Age—45 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
28-11-42.

I know A8 Halappa. On the day of disturbance at Isoor, A8 had come with his bullocks to a grazing land near my house. He came there at 8 A.M. and stayed there till evening. That grazing land is one or one and a half miles from Isoor.

Cross-examination.—There are only two houses near the grazing land including mine. A8 visited me that day. I was in my house. A8 was in the grazing land that day. I was seeing him all through that day. Before that day A8 had come with his bullock 15 days prior to the date of disturbance. I owe money to Sowcar Rudrappa and I cultivate his lands.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
28-11-42.

Deposition of Hutcha—D.W. 34 for A34.
Father's name—Parasanna.
Age—25 years.
Caste—Adikarnataka.
Occupation—Shoe-maker.
Residence—Hittal.

Duly sworn,
28-11-42.

My village is five miles from Isoor. A24 Thejanna was in my village on the date of occurrence in Isoor. A24 came to me on Sunday the day prior to the occurrence and left the next day after occurrence.

Cross-examination.—A24 was staying with me then. He had come to help me in ploughing a new land. He had come there in search of work. I engaged him at Re. 0-8-0 a day for two days.

Re-examination.—I went to Isoor and had engaged him on Saturday.

(Sd.) A SUNDARARAJA RAO,
Special Judge.
28-11-42.

Deposition of Holiyappa—D.W.35 for A36
Father's name—Thotappa.
Age—23 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
30-11-42.

I know A36 Veerappa. I and A36 had taken our bullocks for grazing at 8 A.M. on the day of disturbance at Isoor. We returned at 6 P.M. to the village. Churchugundi Kadappa came to the grazing land and asked us what the galata was. The bullocks of A36 and Ramappa were sent for by Kadappa. A36 brought his bullocks to his cart and went to Hospital. We were together in the grazing land till evening.

Cross-examination.—I do not know if anyone had seen us go together. I left the village that evening and came back four or five days later.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30-11-42.

Deposition of Halappa—D. W. 36 for A29.
Father's name—Ramappa.
Age—30 years.
Caste—Lingayet.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn,
30-11-42.

I know A29 Sannarudrappa. I and A29 were both in the grazing land gazing our cattle. A29 put up ridges to his land. We were there till evening. That land is one or one and a half miles from Isoor.

Cross-examination.—He and I were together till evening. We did not see any one in the adjoining lands. I did not go to Veerabhadra temple that evening. We left the village the next morning and returned four or five days later. I have not gone to the temple for nearly a year.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30-11-42.

Deposition of Manjappa—D. W. 37 for A21.
Father's name—Mallappa.
Age—35 years.
Caste—Devanga.
Occupation—Cooly and Agriculturist.
Residence—Isoor.

Duly sworn,
30-11-42.

I know A21 Subbarayappa. He and I were on a land one and a half miles from Isoor at the time of disturbance. We went there at about 8 A.M. and returned in the evening. We were together till evening.

Cross-examination.—I worked on A21's land that day on a wages of Re. 0-8-0. I cannot say what quantity of work I did that day. That was the only day I worked under A21.

Re-examination.—A19 Hanumanthappa had come to that land in the evening.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30-41-42.

Deposition of Puttachari—D. W. 38 for A3, A5 and A20.
Father's name—Viswanathanpa
Age—30 years.
Caste—Akkasali.
Occupation—Goldsmith.
Residence—Chikjogihalli.

Duly sworn,
30-11-42.

I know A3 Soorappa, A5 Paniappa and A20 Nagesachari. Two months ago I had gone to Isoor. Last year in the auction A3 had purchased garden land. I had purchased this land. I went to A3's house to know what the matter was. I went to him at 10 A.M. That was a Monday. A3's wife told me that he had gone to his land at Chikjogihalli. I went to that land and saw A3 there and talked to him about the sale of the land. We both went to Isoor at 2 P.M. A3's wife then told us that A5 had received a gun shot injury.

A5's house and A3's house are separated by a wall. We saw A5. A5 told us that he had gone in search of his children and that he received a gun shot wound and that he was injured. A3 and A5 told me to go to Kalmane and bring A20 as A5 had to be taken to the Hospital. I went to Kalmane at 4 P.M. and told him what A3 and A5 told me. I and A20 then came to Isoor. 5

Cross-examination.—The khate of the land is not changed to my name. I have not paid any assessment for this land as yet. I had purchased this land only last year. We did not meet any one our way to Isoor from Chikjogihalli.

I did not hear any galata at Isoor. A5 was talking in spite of his injury. I did not see his injury. Kalmane is four miles from Isoor. 10

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30-11-42.

Deposition of Govindamma D. W. 39 for A3. 15

Father's name—Mallachari.
Age—25 years.
Caste—Akkasale.
Occupation—Home duty. Duly sworn,
Residence—Isoor. 30-11-42. 20

A3 Soorappa *alias* Suryanarayanachari is my husband. On the day of disturbance at Isoor at 9 A.M. he left the house stating that he would go to his land in Chikjogihalli. Half an hour later D.W. 38 Puttachari came in search of him. I told him he had gone to his land. D.W. 38 said he would go there. Two hours later I heard a shot from a fire-arm. I then wanted to see where my children were. 25 A5's daughters were near the door. I took them in. A5's son was not there then. A little later A5's wife came and told me that A5 had received a gun shot. A5 came home and was lying with the injury. A5's mother asked me to prepare some ganji for A5. I then went to my kitchen. At 2 P.M. my husband and D. W. 38 came home. I told them that A5 had received a gun shot wound. They both 30 went to A5. D.W. 38 went to Kalmane saying that he would fetch A20. At about 4 P.M., D.W. 38 and A20 came together. A3, A5 and A20 are uterine brothers.

Cross-examination.—When D. W. 38 had come first that day he did not go to A5's house. I did not go to the scene of occurrence. That place is two or three furlongs from my house. That morning there was Prabhat Feri. I have never gone 35 to that temple. I did not see the injury on A5. I did not see if anyone treated him. I did not see if any Mahomedan treated him. I heard the sound of the gong at about 12 NOON that day.

Re-examination.—Nil.

Sd.) A. SUNDARARAJA RAO, 40
Special Judge,
30-11-42.

Deposition of Sidlingappa—D. W. 40 for A27.

Father's name—Mallappa.
Age—25 years. 45
Caste—Lingayet.
Occupation—Agriculturist. Duly sworn,
Residence—Isoor. 30-11-42.

I know A27 Basavannappa. On the day of disturbance at Isoor I and A27 had gone to the beelu and returned home after sun-set. We left home with our 50 bullocks at 8 or 9 A.M.

Cross-examination.—A27 has no servants. No one saw us when we were on the land. No one saw us when we returned home. I left the village the next morning and returned four or five days later. My house is about half a furlong from the temple. 55

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30-11-42.

Deposition of Fhakeerappa—D. W. 41 for A16.
Father's name—Guttappa.
Age—60 years.
Caste—Gangamatha.
5 Occupation—Merchant.
Residence—Isoor.

Duly sworn,
30-11-42.

I know A16 Hanumanthappa. He was in the channel washing clothes on the 10 day of disturbance at Isoor. That channel is one mile from Isoor. I was then grazing my cattle. A16 was washing clothes from 10 A.M. to 3 P.M.

Cross-examination.—I was grazing three or four heads of cattle. I did not see anyone else there. None else was washing clothes there.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
15 *Special Judge,*
30-11-42.

Deposition of Krishnappa—D.W. 42.
Mother's name—Basakka.
20 Age—36 years.
Caste—Valmiki.
Occupation—Agriculturist.
Residence—Isoor.

Duly sworn.
30-11-42.

I know A41 Rangappa. He lives in Kalmane. He left Isoor eight or nine 25 years ago. He had come to Isoor once during the last Gowri Feast. On the day of disturbance at Isoor I had gone to Kalmane where I saw A41.

Cross-examination.—I had gone there to see my sister. A41 lives with his brother-in-law Kannappa. I am not literate. A41 was with me till this time (it is now 12-40 P.M.). I did not see him afterwards. I and A41 are not very familiar 30 with each other.

Re-examination.—Nil.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
30-11-42.

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IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

CRIMINAL CASE No. 1—1942-43.

Complainant.	*Vs.*	*Accused.*
Government of Mysore by the Police of Shikarpur.		1. K. Gurappa. 2. K. Mallappa. 3. Suryanarayanachari. 4. Gurusanthappa. 5. Paniappachari. 6. Erappa. 7. Hutcharaya. 8. Halappa. 9. Shankarappa. 10. Halamma. 11. Siddalingappa. 12. N. Durgappa *urf* N. S. Durgoji. 13. N. Ramanna. 14. K. Hutcharaya. 15. Vittoba. 16. Hanumantha. 17. A. Hutcharaya Chindi. 18. Neelakantappa. 19. N. Hanumanthappa. 20. Nageshachari. 21. C. Subbaraya. 22. P. Chennabasappa. 23. M. Veerabasappa. 24. Thejanna. 25. G. Gurubasavanniyappa. 26. R. Jayappa. 27. Khadi Basavanniyappa. 28. Patel Gurusanthappa. 29. G. Sannarudrappa. 30. C. Hutcharaya. 31. N. Sannasivappa 32. G. Sivappa. 33. U. Chandrasekarappa. 34. A. Gowda Ramanna. 35. G. Basanna. 36. S. Veerappa. 37. Parvathamma. 38. Siddamma. 39. Lingoji. 40. U. Gurusanthappa. 41. R. Rangappa.

IN THE COURT OF THE SPECIAL JUDGE AT SAGAR.

SAGAR, DATED THE DAY OF DECEMBER 1942.

Present—A. SUNDARARAJA RAO, ESQ., B.A., B.L., *Special Judge.*

CRIMINAL CASE No. 1—1942-43.

Complainant.	*Vs.*	*Accused.*
Government of Mysore by the Police of Shikarpur.		K. Gurappa and others.

Records in C. C. No. 123—42-43 on the file of the Special First Class Magistrate, Sagar, received under Government Notification No. 207—Cts., dated 22nd October 1942 whereunder this court is constituted the Special Judge's Court for the Revenue District of Shimoga to try this and other cases arising out of the disturbance at Isoor.

JUDGMENT.

The fifty accused in the case have been charge-sheeted by the Police of Shikarpur for offences under Sections 302, 148, 149, 333, 332, 427 and 342, Indian Penal Code. Out of the 50 accused, 41 have taken their trial before this court and the nine accused are still absconding. As the trial could not be delayed on account of the absence of these nine accused the trial proceeded only against the 41 accused.

2. A separate case has been registered against the absconding nine accused.

3. Government in their Order No. P. 207—Cts., dated 22nd October 1942, have constituted this court under Section 2 of the Special Criminal Courts' Act for the trial of this case and the other cases arising out of the disturbances at Isoor. The procedure laid down in the Special Criminal Courts' Act has been adopted in this case.

4. The charge-sheet was at first presented before the Special First Class Magistrate, Sagar, and by virtue of the Government Notification referred to above the records of the case were received in this court from the Special First Class Magistrate on 28th October 1942.

5. At the commencement of the trial the learned Advocates for accused 10 and 26 raised a plea that this court had no jurisdiction to entertain this case on the ground that the Special First Class Magistrate had already exercised jurisdiction over this case by entertaining the charge-sheet and that as the offences were committed before the Special Criminal Courts' Act was introduced in this District and that this Act cannot have retrospective effect. By a separate order I have held that this court has jurisdiction to proceed with the trial of this case.

6. The prosecution have examined as many as 66 witnesses in the case. The accused have examined 42 witnesses.

7. The village of Isoor where the ghastly murders of the Amildar Mr. Chennakrishnappa and the Sub-Inspector Mr. Kenche Gowda of Shikarpur have taken place seems to be a rich and populous village in the interior of Shikarpur Taluk situated seven miles from Shikarpur by road and about four miles by a country track. The means of communication to that village is by no means easy. Due to this inaccessibility and to the want of easy communication the villagers of that village seem to be of a lawless type little recognizing the Government of His Highness the Maharaja. On account of the inaccessibility of the place the officers responsible for the maintenance of law and order were not apparently visiting the village more frequently as they should have done. This seems to have encouraged the lawless section of the village into engaging themselves in subversive activities as can be seen from the prosecution evidence. The prosecution story briefly is this:—

Soon after the arrest of Mr. Gandhi in Bombay on the 9th of August 1942, the people in that village seem to have started congress activities. The leaders of this congress movement in that village seem to be three Sowcars by name Basavannappa, his brother Rudrappa and Santhaveerappa the son of the latter. They are influential persons in that village having a large following. They are rich landlords paying heavy assessment to the Government and paying income-tax also. One Nagavandada Bharmanna a resident of Herikerur in British India seems to have started this movement in Isoor. Herikerur Taluk and Shikarpur Taluk have a common border. It is well known that this congress movement had its effect in the villages in Mysore as well as in British India. As soon as the movement was started Prabhat Feris were also started in Isoor. This is a procession in which people go about singing National Songs and shouting congress slogans.

8. As seen from the prosecution evidence there three Sowcars and some of the accused such as A1, A3, A5, A7, A8, A20 and A39, etc., were going in procession in the Prabhat Feri shouting the slogans and singing the National Songs. These slogans were intended to encourage people not to pay kandaya due to the Government, to drive out the Britishers from India, to cut date, teak and sandal trees, to call out success for India, to discourage Government servants from visiting the village and to cut off all supply and assistance to such officers if they entered the village, to persuade Patels and Shanbhogues to resign and so on. They were also holding meetings in the village in a temple known as Veerabhadra temple in which the abovesaid persons were taking a leading part. The object of these meetings was the same as those mentioned in the slogans. These meetings and

Prabhat Feris were therefore intended as an incitement to the public of the village to non-co-operate with the Government and their officers. These meetings and Prabhat Feris went on till about 28th September 1942, on which day the offences referred to above are said to have been committed.

9. During the interval from the 9th August to 28th September 1942, some of the Government servants who entered the village were ill-treated and compelled to resign Government Service and to join the movement. In that Prabhat Feri about 100 to 200 boys and adults were taking part. Some other slogans such as 'set fire to the books of the Shanbhogs and Patels' 'Government Officers resign' 'set fire to Taluk Offices and Post Offices' were also shouted in meetings and processions.

10. The acting Patel of the village P.W.3 Gurubasaviah made a report to the Police and to the Amildar as per Ex.P.17 on 6th September 1942, narrating the subversive activities in the village. P.W.18 Suryanarayana Rao a Police Constable in Shikarpur who was entrusted with the task of collecting information in this village has made reports Ex.P.33 (a) and P33 (b). In those reports he has referred to A3, A5, A9 and A39 as leaders of the movement. On 23rd September 1942, an Assistant Engineer P.W.23 Mr. Narayana Setti stationed at Anjanapur, Shikarpur Taluk went to Isoor at about 4 P.M. The boys of that village came to him with congress flags in procession and persuaded him to give his hat for burning and to resign Government service and to wear a Gandhi cap. They made him go bear-headed as far as the village gate.

11. On 26th September 1942, P.W.28 Guthyappa a Police Constable of Shiralkoppa went to Isoor on private work and he was similarly treated by the villagers. A3, A9, A13, A11, A16, A18, A22, A27, A29, A31, A39, A41, and A26 persuaded him near the village gate itself to resign Government Service. They wrote a letter of resignation and asked him to sign it. They took up a pro-note from him for Rs. 500 as security for his promise of resignation. One Thimmiah P.W.39 a Police Constable of Nyamathi went to Isoor on 23rd September 1942 and he was similarly treated and a khaki bag of his was set fire by the congress-minded villagers and they warned him that before he came to the village hereafter he should resign Government service.

12. P.W.5 Shanbhog Ranganatha Rao, Shanbhog of Isoor and P.W. 4 Chennabasaviah, Patel of Isoor were also ill-treated. On 25th September 1942, when they went to Isoor in connection with their official duties with their dafters containing records, the children of the village took away their dafters which had been kept in the temple of Veerabhadraswami while they were sitting there. They made a report to the Amildar and to the Police Inspector on 26th September 1942, as per Ex.P.20 and P21. The deceased Amildar and the Sub-Inspector promised to look into these reports. On 27th September 1942, when these two P.Ws 4 and 5 went again to Isoor and sat in a temple called Gowreswara temple requesting the villagers to return their dafters they were asked why they returned to their village without resigning their offices and when the crowd was threatening they intended returning to their village of Gama. On their way they were way-laid and taken back to Isoor where an Amildar A26 Jayappa had been installed in a pendal on behalf of the Congress Government. These people were questioned how they entered the village inspite of the previous warning and were punished by the so-called Amildar and sentenced to pay a fine of Rs. 10 and in default to stand on one leg in the hot sun. As they failed to pay the fine they stood in the hot sun and returned to Gama that evening.

13. On 28th September 1942, the Shanbhog and Patel with Patel's son P.W.3 Gurubasaviah went to Shikarpur to give a report Ex.P.15 to the Police Sub-Inspector, Shikarpur, about the incident that happened the previous day. By the time the Amildar Mr. Chennakrishnappa, the Police Inspector Mr. Zamiruddin Sheriff, Mr. Kenche Gowda, the Sub-Inspector, the Revenue Inspector, P.W.46 Muniappa, the Police Daffedar P.W. 40 Sattar Sab with three constables P.W.19 Isakmiya P.W. 57 Ramiah and P.W.32 Jettappa had left Shikarpur to go to Isoor. The Patel is a resident of Gama a village about one and half or two miles from Isoor, by a foot-path. As he was told that the Amildar and his party would visit Gama on their way to Isoor he and his son proceeded to Gama. Shanbhog P.W.5 who remained at Shikarpur gave a report as per Ex.P.15 in the Police Station complaining of the previous day's incident.

14. P.W.2 Daffedar Lingappa, who was then in-charge of the Treasury duty received this report. By the time the Patel and his son P.W.3 Gurubasaviah reached Gama they learnt that the Amildar and his party had visited Gama and had gone to Isoor. The Patel who is an old man sent his son P.W.3 Gurubasaviah to meet the Amildar at Isoor, himself staying back. The Amildar and his party proceeded from Gama after inspecting the village and after advising the villagers not to indulge in congress activities. On their ways they passed through Chikjogihalli about two or three furlongs from Isoor. As the road from Chikjogihalli to Isoor was bad the Amildar and his party all of whom had gone on bicycles left their bicycles in the Middle School in Chikjogihalli and proceeded on foot to Isoor. A1 met them near Chikjogihalli and proceeded with them to Isoor. The coming of the Amildar and his party was already known to the villagers of Isoor. By that time these villagers had worked themselves against the Government servants, A19 shouted to the village boys to assemble and prevent the Amildar and his party from coming to the village. When the Amildar and his party went to the village-gate they saw the pendal with a board M. O. 25 and a black flag M. O. 24 hanging on the pendal. The board stated "no officers of the irresponsible Government should enter the village. If they entered". That sentence was left incomplete. The Amildar got the board pulled down and went into the village with his party. They all went and mustered in the Veerabhadra temple which seems to be the usual place of halt for Government servants for want of any other place.

15. As soon as the Amildar and his party went to that temple the boys and girls of the village came there with congress flags M. Os. 18 and 19 sounding the gong M. O. 20 and persuaded them to resign Government service and to join their movement. The Inspector snatched the gong from one of the boys. A1 who was in the party snatched the gong from the Inspector's hand and sounded it loudly. As soon as this was done all the villagers in a body assembled with clubs and sticks in their hands.

16. According to the prosecution all the 50 accused were in that crowd. The Sowcars shouted that these people had gone to arrest them and that they should all be beaten. The Amildar and the Sub-Inspector tried to persuade the crowd to behave in an orderly way and to argue with them. In the meanwhile the crowd collected there pulled away the hat worn by the Amildar, the Sub-Inspector and the Inspector and the turbans of the Daffedar and Constables and the Revenue Inspector and threw them in the air. Then the crowd began beating all the 8 people of the Amildar's party including the Amildar. The Amildar who was standing on the pial was dragged down and when he fell down he was also beaten. The Sub-Inspector was dragged by his uniform and bent down by some of the accused in the crowd and when he was being assaulted by some of the accused he fired one or two shots in self-defence from a revolver he had in his belt. A4 and A5 were injured by these shots.

17. The crowd in which these 50 accused were found began attacking more indiscriminately than before all the eight people. The Amildar and the Sub-Inspector were beaten to death. The other persons of the Amildar's party were severely injured and made helpless. P. W. 19 Isakmiya one of the members of this party after receiving some injuries ran away for life and hid himself in P. W. 7 Imam Sab's house and then in a tank behind P. W. 7's house. The Amildar and the Sub-Inspector received fatal injuries. All these persons were then tied by A1, A2, A20, A21 and A40 to a firewood heap and to a pole which was near the temple. They were in that position till the evening of 28-9-42 till they were taken to the Hospital in carts by P. Ws. 15 and 16 and Churchugundi Kadappa.

18. In the meanwhile these injured and dead persons asked for water. That was also denied. The Amildar and the Sub-Inspector died on the spot. The injured persons had been tied in a most cruel way. The Inspector and the Revenue Inspector were both tied back-to-back to a pole M. O. 21 which had been fixed to the ground. The rest were all tied to a fire wood heap which had been laid there in a perpendicular way. The thumb of one was tied to the thumb of the other with the result that most of them had the two thumbs tied to the others of their party. In that evening the villagers of Churchugundi a village nearby came to Isoor hearing the disturbances. Some of the accused were keeping watch on the injured and the deceased persons while some went to the village gate expecting the Military and to fight with them.

19. Churchugundi Kadappa then took the deceased and the injured persons to the Hospital at Shikarpur that evening. In the meanwhile P. W. 3 Gurubasaviah

who had gone to Isoor at about 12-30 P.M. from Gama to meet the Amildar saw that the Amildar and his party had been severely injured. He ran back to his village and gave information to his father P. W. 4. His father told him to go to Shikarpur and to lodge a complaint to the Sheristedar and to the Police. P. W. 3 then went on a bicycle to Shikarpur and gave informarion to the Sheristedar and P. W. 2 Daffedar Lingappa. P. W. 2 then received a written complaint from P. W. 3 as per Ex. P 16 and sent information to the District Superintendent of Police, Shimoga, through the Constable P. W. 18 Suryanarayana Rao at about 2-30 P.M. This constable started on a bicycle immediately and on the way he met an Assistant Engineer of Shikarpur who was camping at Harogoppa a village on the Shimoga-Shikarpur Road. He told him what had happened and took his car to Shimoga and reached it at 4-30 P.M. the same day.

20. At that time the permanent District Superintendent of Police was on leave and the District Treasury Officer was in charge of the Police Superintendent's Office. P. W. 18, gave information to the Treasury Officer and the latter immediately sent 20 constables along with him to Shikarpur in a bus. The telegraph wires between Shimoga and Shikarpur had been cut. No information could be sent by telegraph. P. W. 2 registered a case and sent the F. I. R. along with Exhibit P 16 to the Special Magistrate who was camping at Shikarpur. Later on, the District Magistrate arrived with a further contingent of Police and Military Officers and men and camped at Shikarpur the same night. The next morning it was seen that the road between Shimoga and Shikarpur had been completely blocked by the felling of the road side trees to prevent probably any further contingent of Police and Military arriving in time. This was done by the accused and other villagers of Isoor. The next afternoon *i.e.*, 29th September 1942 at about 2 P.M. the Police Officers started to Isoor and reached it a little later. By that time the whole village had been evacuated. They found a few old women and children. All the persons that had taken part in the previous day's incident had disappeared.

21. The investigation was started immediately. The Police seized M. Os. 18 to 20 which were in the Garbhagudi of the temple. The previous day the rioters after attacking the Amildar and his party took away their bicycles and threw six of them in a tank in the village and two behind the hittal of one Ruprappa. The crowd that day had stripped the Police Officers and others of their dress had set fire to their dress. The injured and the dead had only shorts and banians on their bodies. The wrist watches which the Amildar, the Sub-Inspector and the Revenue Inspector were wearing had all been taken away. Afterwards on the information furnished by A10 a revolver M. O. 17 was traced in the well of her house. Subsequently the wrist watches of the Amildar and the Sub-Inspector and the gold ring of the Sub-Inspector and his whistle were also traced. The Police after investigation placed the charge-sheet before the Special First Class Magistrate, Sagar on 15th October 1942.

22. After the case came up before this court four more accused were traced. There were only 37 accused when the case was in the Special First Class Magistrate's Court. In all 41 accused have been undergoing trial in this case.

23. For want of evidence A14, A32, A34 and A35 have been discharged. Nineteen charges have been framed against the remaining 37 accused. A1, A2, A3, A6, A8, A9, A10, A11, A12, A13, A17, A20, A22, A37, A38 and A40 have been charged under Section 302, Indian Penal Code for murder for causing the death of Mr. Chennakrishnappa. A1 to A9, A11 and A40 have been charged under Section 302, Indian Penal Code for the murder for causing the death of the Sub-Inspector Mr. Kenche Gowda. A1, A2, A10, A18, A21 and A41 have been charged under Section 333, Indian Penal Code for causing grievous hurt to P. W. 23 Mr. Zamiruddin Sheriff the Police Inspector while in the discharge of his duty. A12, A22, A23 and A41 have been charged under Section 333, Indian Penal Code for causing grievous hurt to P. W. 40 Daffedar Sattar Sab. A21 has been charged under Section 323, I. P. C. for causing hurt to P. W. 19 Isakmiya, Police Constable. A1, A2, A9, A11, A13 and A21 have been charged for an offence under Section 325, I. P. C. for causing grievous hurt to P. C. Jettappa, P. W. 32. A41 and A23 have been charged for causing grievous hurt to P. C. Ramiah, P. W. 57. A1, A25 and A38 have been charged for causing hurt to P. W. 46 Muniyappa, the Revenue Inspector. A1, A2, A20, A21 and A40 have been charged for an offence under Section 342, I. P. C. for wrongfully confining the injured and dead by tieing them with ropes to a pole and to a firewood heap.

24. All these accused have been further charged for an offence under Section 148, I. P. C. for being members of an unlawful assembly and for committing roiting armed with deadly weapons. They are further charged with offences under Sections 302, 333, 323, 325 and 342, I P. C. read with Section 149, I. P. C. on the ground that they as members of an unlawful assembly with the following common objects, *viz* :—

(1) To overawe by criminal force public servants in the exercise of the lawful power of such public servants.

(2) To run a parallel illegal administration.

(3) To prevent public servants from entering the village of Isoor and from discharging their duties.

(4) To indulge in the activities of the congress which was declared an unlawful association and in other activities which are contray to the maintenance of law and order by Government.

(5) To commit offence of murder, grievous hurt and hurt and wrongful confinement or knowing that offences are likely to be committed.

And in pursuance of which common object some members of the assembly caused the abovesaid offences. They are further charged for collective liability under Section 149, I. P. C.

25. The accused denied having committed any of these offences, and most of them plead that they were not on the spot at the time of the occurrence. A4 and A5 plead that they had come to the scene of occurrence in search of their children when they received gun shot wounds as the result of fire opened by the Sub-Inspector.

26. There is overwhelming prosecution evidence as I shall show presently that the Amildar, the Inspector, the Daffedar, the Revenue Inspector, the Sub-Inspector and three Police Constables went to Isoor on 28th September 1942 and that by the evening of that day the Amildar and the Sub-Inspector died as a result of injuries inflicted on them and that the rest had serious injuries. All these were profusely bleeding and were helpless. Their clothes had been removed and they were in a short and knicker. Even their clothes M. Os. 1 to 11 were soaked with blood. They had all been tied to a firewood heap and to a pole and their thumbs had been tied together.

27. It is clear that the Amildar and the Sub-Inspector could not have died a natural death and that they died as a result of injuries sustained that day. There is evidence to show that these people left Shikarpur at about 10 A.M. and that on their way visited Gama and Chikjogihalli which is on the way to Isoor and reached Isoor at about 12 NOON. Till then the party was free from injuries and the Amildar and the Sub-Inspector and Inspector went there to make enquiries in the village about the incident of 25th September 1942, relating to the Shanbhog and Patel as per their reports Exhibits P20 and P21.

28. P. W. 1, Mr. Cornelius, the Sub-Assistant Surgeon of Shikarpur has held the autopsy over the bodies of the Amildar and the Sub-Inspector on the night of 28th September 1942. The Doctor has found on the body of the Amildar Mr. Chennakrishnappa 17 bleeding injuries all over and most of them on the head and surrounding parts. Epedermis had been peeled off in several places, on the right forearm and over the left forearm.

The injuries mentioned by him are these:—

(1) An incised wound 2″ by $\frac{1}{2}$″ scalp deep situated obliquely on the top of the right side of the forehead.

(2) A lacerated wound 2″ by $\frac{3}{4}$″ scalp deep situated on the top of the left side of the head on the parietal eminence.

(3) An incised wound $1\frac{3}{4}$″ by $\frac{1}{2}$″ scalp deep situated on the top of the middle of the head.

(4) An incised wound 1″ by $\frac{1}{3}$″ scalp deep situated on the top of the head $1\frac{3}{4}$″ behind injury No. 3.

(5) An incised wound $2\frac{1}{2}$″ by $\frac{1}{2}$″ scalp deep situated obliquely on the left side of the head running obliquely 2″ above the top of the ear.

(6) A lacerated wound $1\frac{3}{4}$″ by 4″ and scalp deep situated on the top of the back of the head behind the right parietal eminence. The face, neck and head are covered with clotted blood here and there.

(7) An irregular abrasion 2″ by $\frac{1}{2}$″ situated on the middle of the front of the right arm and in continuation there is a faint ligature mark on the inner side of the arm for a distance of 3″.

(8) An abrasion irregular in shape $\frac{1}{2}''$ by $\frac{1}{3}''$ situated on the outerside of the bend of the right elbow.

(9) There is a ligature mark situated obliquely around the left arm and is in front 2″ and behind 3″ above the bend of the elbow joint. It is $\frac{1}{2}''$ wide.

(10) A contusion extending over the left shoulder and scapular region of the left side of the chest and is 8″ by 7″. On this are 4 stripe-like marks varying from 2″ by 1″ situated at different spots.

(11) Contusion over the right shoulder and upper part of the scapular region and is 8″ by 6″.

(12) The contusion over the right buttock is 6″ by 3″.

(13) An abrasion $1\frac{1}{2}''$ by 1″ situated below the left knee in front.

(14) Two abrasions $\frac{3}{4}''$ by $\frac{1}{2}''$ and 1″ by $\frac{1}{3}''$ situated closely in the middle $\frac{1}{3}''$ of the left leg in front.

(15) An abrasion $3\frac{1}{4}''$ by $\frac{1}{2}''$ situated vertically on the outerside of the middle third of the right leg in front.

(16) A contusion 3″ by $2\frac{1}{2}''$ situated on the back of the lower third of the left arm just above the elbow joint.

(17) On incising the contused areas extravasation of blood in the underlying tissues was seen. In the wounds blood clots and congestion of tissues were present and the edges were everted.

The Doctor is of opinion that the death of Mr. Chennakrishnappa was due due to shock and hæmorrhage as a result of multiple injuries and he has given the *post-mortem* certificate Exhibit P1 countersigned by the District Medical Officer.

29. He has found 33 injuries on the body of Mr. Kenche Gowda as described below:—

(1) A contusion 3″ by $2\frac{1}{2}''$ situated on the right side of the forehead at its upper part on it is an abrasion 1″ by $\frac{1}{2}''$ close to the middle of the forehead.

(2) A contusion 1″ by $1\frac{1}{2}''$ situated on the top of the left side of the forehead close to the middle line. On it are several pin point like abrasions.

(3) A lacerated wound 2″ by $\frac{1}{3}''$ scalp deep situated on the top of the middle of the vertex.

(4) A contused wound $1\frac{1}{2}''$ by $\frac{1}{3}''$ scalp deep situated on the right side of the back of the head at its top part.

(5) A contusion 2″ by 2″ situated on the left side of the forehead as it is an abrasion $\frac{3}{4}''$ by $\frac{1}{2}''$.

(6) An irregular abrasion 2″ by $1\frac{3}{4}''$ situated on the outerside of the left eye.

(7) An irregular contusion 2″ by $1\frac{1}{2}''$ situated on the left side of the cheek and extends to the left angle of the mouth.

(8) There are four irregular abrasions situated on the nose here and there varying in size from a small nail's head to that of a medium size nail's head.

(9) A punctured wound $\frac{1}{2}''$ by $\frac{1}{4}''$ by $\frac{1}{8}''$ situated on the bridge of the nose closed to the glubella.

(10) An irregular abrasion of the size of a nail's head situated on the left side of the upper lip below the nostril.

(11) A contusion of the upper and lower lids of the right eye.

(12) A lacerated wound $\frac{1}{2}''$ by $\frac{1}{4}''$ by $\frac{1}{8}''$ situated obliquely $\frac{1}{2}''$ above the right side of the upper lip.

(13) There is contusion of the right ear and right mustoid region with an abrasion $\frac{1}{2}''$ by $\frac{3}{4}''$ about the middle of the border of the right ear.

(14) There is contusion of the left shoulder both in front and behind and is 6″ by $5\frac{1}{2}''$.

(15) A contusion 4″ by 2″ situated on the posterior aspect of the lower third of the left arm.

(16) A contusion 2″ by $1\frac{1}{2}''$ situated on the lower third of the posterior aspect of the left forearm.

(17) A contusion 1″ by $\frac{3}{4}''$ on the dorsel aspect of the proximal phālanx of the left middle finger.

(18) A superficial wound $1\frac{1}{4}''$ by $\frac{3}{4}''$ and skin deep situated on the ulnar side of the upper third of the left forearm.

(19) A contusion $3\frac{1}{2}''$ by 3″ on the anterior aspect of the upper third of the left forearm.

(20) A contusion covering the upper half of the right side of the back of the chest and is 6″ by 5″.

(21) A contusion 2″ by 3″ on the right side of the back 12″ below the verternal angle of the scapules.

(22) An abrasion ¾″ by ⅓″ situated below injury No. 21.

(23) There is contusion of the left side of the back over the scapular region which is 6″ by 4″.

(24) A contusion 4″ by 3″ on the left side of the back 3″ below the lower angle of the scapula.

(25) A contusion 2″ by ¾″ situated below injury No. 24.

(26) A contusion 1½″ in diameter situated on the right hip.

(27) A contusion on the right shoulder is 4″ by 3½″ and is visible on the top and sides.

(28) A contusion 2″ by 1½″ on the back part of the middle third of the right arm.

(29) Six abrasions varying in size from ½″ to 1½″ in length by ½″ to ¾″ in width scattered at the back of the right elbow joint.

(30) A contusion 4″ by 2½″ on the back of the lower third of the right forearm.

(31) An abrasion ½″ in diameter on the middle part of the middle interphalanyeal joint of the right hand on its back part.

(32) An abrasion 1½″ by 1″ situated on the lower part of the front of the right thigh immediately above the knee joint.

(33) A contusion irregular in shape 2½″ by 1″ situated on the inner side of the left knee joint.

The portion of the scalp and the skull have been fractured. He noticed four fractures. The stomach contained blood-stained fluid and the Doctor is of opinion that the death of Mr. Kenche Gowda was due to shock and hæmorrhage as a result of multiple injuries, and he is of opinion further that the injuries on these two persons could have been caused by clubs having a rough surface.

30. He has also examined the other six persons of the party, *viz.*, the Inspector, the Daffedar, three Police Constables and the Revenue Inspector. P. W. 57, Ramiah had 14 injuries. P. W. 32, Jettappa had 19 injuries. P. W. 46, Muniappa had 17 injuries. P. W. 40, Abdul Sattar the Daffedar had 31 injuries. P. W. 23, Mr. Zamiruddin Sheriff the inspector had 18 injuries. P. W. 19, Isakmiya had 5 injuries. He has given the medical certificates in respect of these injured persons as per Exhibits P3 to P8. These injured persons were removed to the Mc Gann Hospital at Shimoga on the evening of 29th September 1942, for further treatment. Only P. W. 19 Isakmiya and P. W. 46, Mr. Muniappa were discharged from the Hospital before 20 days and the rest were not able to attend to their avocations and business during the period of their detention in the Hospital for over 20 days. The injuries caused to the latter four people have been treated therefore as grievous hurt as they were unable to attend to their duties for 20 days. P. W. 40, has also a fracture of a bone. Even now from their appearance in court, I could see that they have not regained their normal health and they are not still fit for their duties. They have still marks of injuries on them. The Inspector's left hand has still a bandage. As the prosecution evidence shows these persons were injured at Isoor on 28th September 1942 and these were not self-inflicted injuries and the question resolves itself as to who were responsible for the injuries. Before deciding this point it is necessary to show the circumstances which led to these brutal murders and other offences.

31. There is the evidence of P. W. 3, Gurubasaviah, the acting Patel of Isoor and P. W. 4, Chennabasaviah the Patel of Isoor and P. W. 5, the Shanbhog Ranganatha Rao to show that the congress activities were started in Isoor soon after the arrest of Mr. Gandhi and that the people of the village were led by Sowcars Basavannappa, Rudrappa and his son Swami *alias* Santhaveerappa, A9, Sankarappa A31 Sanna Sivappa, A13 Ramanna, A39 Lingoji, A3 Suryanarayanachari, A5 Paniappachar, A41 Ranganna, A(11) Sidlingappa and others in these activities. From the evidence of P. W. 3, it is also seen that one Nagavandada Bharmanna was instigating the people of Isoor not to pay kandaya and to drive out the public servants. These people were also going in Prabhat Feris in the mornings in procession singing National Songs and shouting slogans. Some of these slogans were inciting the people not to pay kandaya, to drive out the British, to cut date, teak and sandal wood trees, to dishonour Government servants, to set fire to Post Office and to Taluk Office, to cut all the supplies to Government servants and so on. Certain slogans had also been written on the beams of the temple as stated by these witnesses and by others and as admitted by A39 himself.

32. P. W. 44, Hanumanathappa a boy of 12 years, P. W. 45 G. Veerappa, a boy of 13 years, who are still students in the Middle School and P. W. 60, Gangamma, a girl of 12 years, all depose to the fact that they along with others were going in Prabhat Feri in the mornings singing National Songs and objectionable slogans. P. W. 60 further states that A3, A5, A39, A19, A10 were taking leading part in this procession. P. W. 44 states that A39 Lingappa *alias* Lingoji started this Prabhat Feri and that they all used to go with Mr. Gandhi's photograph and with tricoloured flags M. Os. 18 and 19 shouting the slogans in the streets and that A1, A3, A5, A9, A11 and A20 were uttering those slogans in Prabhat Feri. There is also the further evidence of P. W. 44 that there were meetings in the temple in which Sowcar Basavannappa told every one that if any man of irresponsible Government came to the village he should not be allowed. He and P. W. 52 Veerappa also speaks to the punishment inflicted on the Patel and Shanbhog on 26th September 1942, for not resigning their jobs and that A26 Jayappa, a boy of 10 years, was the Amildar set up by the Sowcar in running their Government. The irresponsible Government referred to by these refers to the Government of His Highness the Maharaja. P. W. 44's evidence and the evidence of P. Ws. 4 and 5 conclusively prove that the abovesaid persons owed no allegiance to the established Government and that they had set up a parallel Government of their own under the auspices of the congress. A pendal had been put up and an Amildar had been installed and punishment was being given by this Amildar to non-congress Government servants. This shows to what extent the minds of those people had been worked up by the congress movement that was going on simultaneously all over India including the Mysore State. It may not be out of place to point out that many reports in the Newspaper about indiscriminate attacks and more especially of Government Officers in other places encouraged them. These people must have taken a cue from these reports and being encouraged by such reports must have resorted to these high-handed and lawless activities. That they were persistently trying to molest the public servants, to prevent them in the discharge of their duties and persuading them to resign Government service is seen from the evidence of P. W. 18 Suryanarayana Rao, P. W. 22 Gutteppa, P. W. 22 Mr. H. S. Narayana Setti, an Assistant Engineer and P. Ws. 4 and 5 Patel and Shanbhog of the village, P. W. 39 Police Constable Thimmiah, P. W. 42 Seshagiri Rao, the School Master at Isoor and P. W. 51 Veerappa, Pujari of Veerabhadra temple and P. W. 52 B. Veerappa, School Master, Chikjogihalli.

33. These are all public servants except P.W. 51 and every one of them has been compelled to resign on pain of being assaulted if they refused to do so and if they were again to enter the village of Isoor without resigning their jobs. It is also seen from the evidence of Pujari Veerappa P. W. 51 that these congress-minded persons named above were holding meetings in the temple with the object of ill-treating Government servants and to have recourse to subversive activities contained in the slogans referred to above. It is also seen from the evidence of these witnesses that the absconding accused Basanna, Rudrappa and Swami and some of the present accused referred to above were taking part in such activities. There was similar activity in the village of Gama itself which is about 2 miles from Isoor. If the congress activity had stopped by going in procession in Prabhat Feris, singing National Songs and nothing further, probably this occurrence would not have taken place.

34. The abovesaid accused seemed to have resolved to establish a parallel administration contrary to the administration established by His Highness the Maharaja. Thus they worked themselves up to see that no public servant entered their village and that if they ever entered they should be dealt with severely. The fact that they had put up a board M. O. 25 at the village gate with the following words "No Government servant of irresponsible Government should enter the village and if he entered" shows that this was a clear warning that no Government servant should enter the village and that serious consequences would follow if he did so. The fact that the sentence was left incomplete showed the gravity of the consequences. Though they did not mention the consequence on the board itself any body who read the board can understand what the consequences would be.

35. They had also hung up a black flag M. O. 24 indicating their contempt to the existing Government and showing that they did not want this Government. As all the injured persons have stated, under the orders of the Amildar this board was brought down. But even after the occurrence when the Police officers and

the Deputy Commissioner went to the village on 29th September 1942, they saw this board had again been hung up in the village gate. They seem to have had a signal to give information of the approach of the Government Officers to the village, and this was done by the beating of the gong M. O. 20. This gong was beaten when the Patel and the Shanbhog P. Ws. 4 and 5 visited the village on 25th September 1942 and 27th September 1942 and on 28th September 1942, when the Amildar and his party entered the village.

36. With such a background as this, it is not unusual or improbable that the people engaged in such subversive activities attacked the Amildar and his party violently. They did not want the Government servants to enter the village or to question them about their doings in the village. This movement as I have already stated above followed only after the arrest of Mr. Gandhi. Long before this, the Taluk authorities apprehending that Sowcar Basavannappa was indulging in objectionable activities had not renewed his license for a revolver and two muzzle loader double barrel gun. They had been seized from him in February 1942, by the Police as spoken to by P.W. 2, Daffedar Lingappa. The revolver seized from him had been deposited in the Police Station and one of the Police Constables P. W. 32, Jettappa had taken this revolver with him when he went to Isoor along with the Amildar and others. One revolver which is also the property of Government had been taken by the Sub-Inspector. Two revolvers were seized in the hittal of Sowcar Basavannappa and of A10 after the occurrence by the Police. These are M. Os. 28 and 29. M. O. 29 belonged to P. W. 46, Revenue Inspector, Muniappa.

37. It is seen from the evidence of P. Ws. 3, 6, 7, 8, 11, 14, 25, 30, 31, 33, besides that of the injured persons that the Amildar, the Inspector, the Sub-Inspector, the Daffedar, three Police Constables and the Revenue Inspector went to Isoor on that fateful day at about 12 NOON walking the distance between Chikjogihalli and Isoor about two or three furlongs as the road was bad. That these people had gone on bicycles up to Chikjogihalli is seen from the evidence of the injured persons and of P. W. 24, Budan Sab, the School peon of Chikjogihalli. P. W. 38, Gaviappa, the Head Master of Chikjogihalli, also speaks to this fact.

38. From the evidence of the abovesaid persons it is clear that as soon as the Amildar and his party reached Isoor they went to a temple called Veerabhadra temple which is shown in the sketch Exhibit P54. On the way P.W. 32, Jettappa was sent by the Amildar to fetch the Patel Mahadevappa of that village. P.W. 32 gave information to Mahadevappa's people that he was wanted by the Amildar and followed the party. They all come to that temple afterwards. It is seen from the evidence of the Inspector that the object of the Amildar's visit was to dissuade the people of Gama and Isoor from their activities and to persuade Isoor people to return the Shanbhog's and Patel's records which had been taken away from them on 25th September 1942. It was in pursuance of this that Patel Mahadevappa, one of the influential persons of the village and the brother of A28 Gurushanthappa, was sent for. The coming of the Amildar and his party to Isoor was somehow known to the Isoor villagers as is seen from the evidence of P. W. 33 Puttappa, the School Master at Isoor. A19 Hanumanthappa went on shouting in the village that the Police party were coming and that the boys should collect and prevent them from doing so. It is admitted by A19 in his examination before this court that he had met Puttappa at that time. Though he denies having called the boys to prevent the Police from entering the village he states, that under the advice of his mother as he learnt that the Amildar and others were coming to the village and that he was likely to be arrested, he was going to hide himself in his grandmother's house and that he talked to P.W. 33 on his way and told him his object.

39. It is also seen from the evidence of the six injured persons, P.Ws. 19, 23, 32, 40, 46 and 57 that A1 Gurappa met them at Chikjogihalli and that he followed them as far as the temple in Isoor. A1 may have met them at Chikjogihalli to know the strength of the party that was coming there. As soon as the Amildar's party went into the village some boys ranging in number from 20 to 30 and some girls accosted the Amildar and his party with a gong and congress flags and persuaded them to resign Government service and to give away their hats and turbans and to wear khadi. This is seen from the evidence of the injured persons mentioned above. Every one of them speaks to this fact. As soon as these boys and girls that came in procession to the temple and met this party there was some discussion on the above matter between them. One of the boys then sounded the gong. About 20 or 30 adults came there on hearing the gong. Meanwhile, the Inspector P.W. 23

Mr. Zamiruddin Sheriff snatched the gong from the boy that was sounding it. Immediately A1 Gurappa who was there snatched the gong from the hands of the Inspector and sounded it loudly. As soon as the gong was sounded, a very large crowd of adults both males and females came to the temple armed with clubs and firewood pieces. At that time the Amildar was on the pial of the temple along with the Inspector and the rest of the party were on the road in front of the temple. The sketch Exhibit P54 shows the position of the temple and the road and their adjoining houses. There is a firewood heap belonging to P.W. 14, Sankarappa in front of the temple and this is also shown in the sketch Exhibit P54. The injured persons state that the crowd consisted of hundreds of persons whereas some of the eye witnesses of the village say that the crowd consisted of about 50 or 60 people. According to the injured persons all these persons in the crowd had clubs, whereas the eye witnesses say that some of them were only armed with clubs.

40. There is no doubt as can be seen from the evidence of these witnesses that most of them had come armed with clubs. The sounding of the gong was the signal for these people to assemble in the temple and the villagers seemed to have understood that if a gong was sounded in a particular way they must assemble near the temple. As soon as the crowd collected in front of the temple according to the evidence of the injured persons as well as the eye witnesses whom I have mentioned above P.W. 6 Rudrappa, P.W. 7 Imam Sab P.W. 8 Budan Sab P.W. 14 Shankarappa, P.W. 26 Basavannappa, P.W. 30 Dodda Sivappa and P.W. 33 Puttappa the crowd began assaulting the Amildar and his party indiscriminately. As soon as the crowd began belabouring the party the Sub-Inspector who had a loaded revolver in his pouch attached to his belt opened fire and fired two or three shots. By the time he opened fire he had already been assaulted and he must have opened fire in self-protection. As the result of this fire A4 and A5 were injured. The attacking crowd further got exasperated at this firing and violently attacked the Amildar and his party. All these eight persons were severely injured. One of the Constables P.W. 19 Isakmia who also received the injuries managed to escape and run away to P.W. 7 Imam Sab's house and from there he took shelter in a tank.

41. P.W. 7 is the father-in-law of P.W. 19's brother. These injured persons and the eye witnesses referred to above identified each some of these accused now before court and I shall show in detail the identification by each of the eye witnesses and the injured persons below.

42. It is seen from the evidence of these witnesses, *viz.*, eye witnesses and injured persons that Sowcar Basavannappa and one Sowcar Swami, a nephew of Basavannappa were stated to be instigating the crowd to attack the Amildar's party on the ground that they had come to arrest and take them away. After the Amildar's party was severely injured the Amildar and the Sub-Inspector, Inspector, the Revenue Inspector and Police Constables Jettappa and Ramiah fell down helpless. Ramiah lost consciousness immediately. All of them were profusely bleeding with the injuries. The Sub-Inspector's skull was fractured in four places. After this their dresses were all removed leaving them only with banians and shorts.

43. It is in the evidence of the abovesaid witnesses that after they fell down helpless A1, 2, 20, 21 and 40 tied the injured party and confined them to a fire wood heap and to a pole M. O. 21 which had been fixed to the ground. The Inspector P.W. 23 and the Revenue Inspector Muniappa P.W. 46 were both tied back to back to M.O. 21. The thumb of one was tied to the thumb of the other and in that position they were there till evening till Churchugundi Kadappa and his people came there and removed the dead and the injured to the Hospital. In the meanwhile, the Amildar and the Sub-Inspector died. When these helpless people were struggling for water A33 Chendrasekharappa as is deposed to by P.W. 40 Abdul Sattar gave water to them and when two of them had taken water the rest were refused water as A10 shouted that those people should not be given water but urine. Somebody threw away the water pot and the dying persons had to die without even quenching their thrust.

44. P.W. 3 Gurubasaviah is the son of P.W. 4 Chennabasaviah, Patel of Isoor. He is a resident of Gama, a village nearby. From August till about 22nd September 1942, this P.W. 3 was acting as Patel in place of his father. He speaks to the fact that Sowcar Basavannappa, A1 Gurappa, A13 Ramanna, A39 Lingoji and others were taking part in Prabhat Feri as leaders and he also speaks to slogans uttered by these people and referred to above. He has made a report of these activities to the Police as per Ex. P. 17 on 6th September 1942. He states further that on 28th September 1942, he and his father and Ranganatha Rao, P.W. 5 Shanbhog came to Shikarpur from Gama and on learning that the Amildar had gone to

Isoor he went to Isoor at 12 NOON. When he went to Isoor he saw people moving about in the village with clubs shouting 'Jai'. He went to Pujari Veerappa's hittal to see what was going on in the village. This Pujari Veerappa is P.W. 51 and he is the Pujari of Veerabhadra temple and his house also is near the temple. When P.W. 3 went there he saw the Amildar and the Sub-Inspector were both dead and their bodies had been tied to a firewood heap. He saw the Police Inspector and the Revenue Inspector tied back-to-back to the pole M.O. 21. P.W. 32 Jettappa, Police Constable, P.W. 40 Daffedar Sattar Sab were also tied according to him to the same firewood heap. He saw A1, 3, 9, 13, 20 and 38 and several others near the dead and the injured. Five hundred or 600 persons were in the scene of occurrence according to him. He returned to his village from Isoor, told his father what had happened, went to Shikarpur and gave the complaint Ex.P.16 regarding the occurrence to P.W. 2 Daffedar Lingappa.

45. P.W. 6 Rudrappa speaks to the visit of Amildar's party to Isoor on that day and to the sounding of the gong in the temple. He states that after the sounding of the gong, 100 or 150 people assembled with clubs in hands and he saw people throwing caps, coats and shawls of the Amildar's party and he saw also the beating of the entire party by several people in the crowd. By shawl he means the head dress. He has identified A1, 3, 4, 5, 7, 9, 13, 19, 29, and 31 in that crowd and he says that all these had clubs and that all these were beating the Amildar's party. A4 and A5 according to him were beating the Sub-Inspector and the Sub-Inspector then fired shots with a revolver.

46. P.W. 7 Imam Sab speaks to P.W. 19 Isakmiya, his son-in-law's brother rushing into his house with fear followed by A9 Shankarappa in search of Isakmiya. P.W. 8 Budan Sab swears that he saw A9 and others beating the Sub-Inspector, A22 Chennabasappa and others beating the Amildar and A41 and others beating the Constable Ramiah under the instigation of Sowcar Basavannappa. He has seen the Amildar and the Sub-Inspector tied to a firewood heap and their clothes burnt.

47. P.W. 11, Alli Sab also speaks to the incident in front of the temple. He has seen the Amildar and the Sub-Inspector near the temple and the children removing caps and head dress of the Police and throwing them in the air. He further states that the Sub-Inspector advised the boys not to do so and that 100 or 200 people had assembled there with clubs. According to him also Sowcar Basavannappa and Rudrappa were moving with clubs and instigating the people to assault the Amildar's party. He has seen in the crowd A1, 4, 5, 7, 11, 18, 19, 21, 33, 37, 38, 40 and 17. He is positive that A4 and A5 beat the Sub-Inspector with a donne, and that after that, the revolver was fired. He has not seen who beat the Amildar.

48. The next witness P. W. 14 Shankarappa deposes similarly and states that hundreds of people came with clubs to the temple and from his house he saw A9 and others beating the Sub-Inspector and A2 and others beating the Amildar. He has seen in the crowd A1, 2, 3, 4, 5, 7, 9, 10, 11, 13, 15, 19, 20, 22, 37, 40 and 41 and A26. He has seen A40, 41 and 2 dragging the Amildar and the Sub-Inspector and tying them to his heap and he states that he had kept the firewood cross-wise and length-wise and that the clothes of the party had been burnt and that they had only knickers and banians.

49. P. W. 25 Basavannappa has also seen the incident and heard the sounding of the gong. He saw that hundreds of people had assembled and had clubs in hands. Among the crowd he has seen A3, 9, 10, 11, 8 and according to him A3 and A8 and A9 and another were beating the Sub-Inspector. A10 and A11 were beating the Amildar and Sowcar Basavannappa was shouting to the crowd to attack the Amildar's party. This witness was standing about 4 or 6 marus from the Amildar. P. W. 28 a Police Constable of Shiralkoppa who has been persuaded on two previous days 26th and 27th by A3, 9, 11, 13, 16, 26 and others to resign Government service states that he had been kept under watch up to 28th morning and that at that time people cried out something and came out with clubs and that he ran away to Malaligoppa, 8 miles from Isoor and returned on 2nd October 1942. He also speaks to the fact that he was taken to Prabhat Feri by compulsion on 27th September 1942.

50. P. W. 30 Dodda Sivappa also speaks to the incident in front of the temple. He swears that he saw Sowcar Basavannappa instigating the crowd to assault the Amildar and his party and that in that crowd A1, 2, 3, 4, 5, 7, 9, 11, 13, 19, 20, 38, 39 and 41 were present and that these had clubs and pieces of firewood, and that A1, 2, 3 and 9 were beating the Sub-Inspector with clubs and that A38

and A20 were beating the Amildar with clubs. Among the school boys that were in the crowd he has identified A26 Jayappa. When he was examined by the Investigating Officer he had not stated that A7 and A19 were in the crowd. It is elicited that he and A28 were accused in a certain murder case in which Sowcar Rudrappa was a witness for the prosecution. He is one of the Yejamans of the Lingayet community there. The mere fact that Sowcar Rudrappa was a prosecution witness in the murder case in which this man was evidently acquitted does not show why he should depose against many others unnecessarily.

51. P. W. 31 Mohamed Dastagir states that A3, 5, 7, 9, 15, 19, 22, 26 and 38 were taking leading part in Prabhat Feris and that on 27th September 1942, A39 Lingoji had come to his house for some medicine and that when he advised him not to trouble the Patel and Shanbhogue and to give up subversive activities. A39 told him that his party expected Government servants on that day and that they did not turn up that day and that they would turn up the next day and that there would be some fun the next day. This witness also speaks to the fact that the people assembled in the temple had been armed with clubs and they passed in front of his house and that half an hour later A22 Chennabasappa and A37 Parvathamma and others came to his house in search of P. W. 19 Isakmiya and that they had clubs in their hands then and that he did not allow them as there were gosha women in his house. He also speaks to the fact that A4 and A5 had gun shot wounds and that he treated both of them as he also knows something of medicine. He has seen A11 and A21 near the dead and the injured.

52. P. W. 33 Puttappa is the Headmaster of the Primary School in Gama village and he is residing in Isoor. His house is adjoining Pujari Veerappa's house and by the side of Veerabhadra temple. He states that Sowcar Basavannappa, A3, 5, 20, 9, 1 and 18 were the leaders of the Prabhat Feri and that they were preaching that kandaya should not be paid and that the Government servants should not be allowed inside the village and that they should not be given even any assistance and that these people were also holding meetings in Veerabhadra temple. He speaks to the snatching away of the Patel's and Shanbhog's dafters on 25th September 1942 and to the bringing of P. W. 28 Gutteppa to the temple on 26th September 1942 by A5, 1, 18, 19 and 20 with a view to compel him to resign public service. He also states that on 27th September 1942 the congress-minded villagers held a meeting in which they resolved that men and women should work boldly and that no Government servant should be allowed inside. A3, 5 and one Nagavandada Bharmanna and others attended that meeting. He also speaks to the fact that on 28th September 1942 the Amildar and his party visited the school in Gama and left their bicycles there and that after he went home to Isoor he heard the sound of the gong and the people shouting 'Jai'. At that time he had closed the door of the house and he saw from the holes in his thatti door that the boys were persuading the Amildar and his party to resign Government service and to wear Gandhi caps, and the Amildar advising them not to interfere with them. According to him the boys removed the head dress of the Amildar and his party and were dragging them and he saw the beating of the Revenue Inspector, Inspector, Sub-Inspector, Amildar and Police Constables with clubs and firewood pieces. In that big crowd he has seen A1, 3, 4, 5, 7, 9, 10, 13, 18, 19, 20, 21, 26, 37, 39 and 41 besides many others and A9 and others beating the Sub-Inspector and A38 Parvathamma and another dragging down the Amildar from the pial of the temple and the Amildar falling down face downwards and A3, 10, 20 and 37 beating the Amildar with clubs and A41 and A18 beating the Inspector with clubs. Then he heard the firing of the revolver and saw A4 and A5 being injured by the revolver shot. He saw A3 bawling out that the Amildar and his party should be tied to the firewood heap and A1 and A20 tieing the injured persons as stated above and A3 and A20 searching for Isakmiya who had escaped.

53. P. W. 45 G. Veerappa speaks to Prabhat Feri at Isoor in which A3, 5, 20, 1, 39 and others were taking interest. He is a boy of 13 years and he states he also used to go in procession. He speaks to the slogans uttered during the procession and to A39 writing these slogans on the beams of the temple of Veerabhadra. He also states that A39 wrote the board M.O. 25 which had been hung up at the village gate and that it was inked by A15 under the compulsion of Sowcar Basavannappa. The photographs of these slogans have been taken by P. W. 20 Srinivasa Rao and they are marked Exhibit P34 to P39. The photographs corroborate what this witness has stated.

54. P. W. 51 is Pujari Veerappa of Veerabhadra temple and he states that A1, 18, 19, 7, 5, 3 and others were holding meetings in the temple and were going in procession in the streets after meetings and that they were saying something in English about the Congress.. He speaks to the meeting held in the temple on 27th September 1942 and states that in that meeting the abovesaid people said that Patel and Shanbhog had been made to stand on one leg and that the Government servants were likely to come next day and that they should be disgraced and sent out of the village and that they should establish responsible Government and that sandal trees should be cut. He also speaks to the slogans written on the temple beams.

55. P. W. 52 B. Veerappa is the School Master, Nelavagalu in Shikarpur Taluk. In September last he visited his father-in-law's house in Chikjogihalli and still he was there on 27th September 1942. He went to Isoor on that day. He saw a pendal in front of the village gate and A26 Jayappa seated on a chair in the pendal and the Shanbhog and the Patel were under enquiry and he was also examined by Sowcar Basavannappa and told that the servants of irresponsible Government should not get into the village and that he should resign his job at once. There, in the pendal he saw A26, A8 and under compulsion he even wrote a resignation but it was not finished and he came away and on 28th September 1942 he has seen A9, 11, 16 and 37 with 20 or 30 others coming to Chikjogihalli with clubs shouting that if any one had policemen or cycles with them they must surrender them and he states that A11, A16 and A37 came to the pial of the house and searched his house and went away.

56. P. W. 53 Periswami is the telegraph lineman who speaks to the cutting of the telegraph lines between Nyamathi and Shikarpur on 17th September 1942 and to the sending of a report by him as per Exhibit P43 to the Inspector of Shikarpur.

57. P. W. 44 Hanumanthappa, P. W. 45 Veerappa and P. W. 60 Gangamma who are young children and who are already referred to above speak to the Prabhat Feri and the part taken by some of the accused in the Prabhat Feri. They also speak to the slogans used in Prabhat Feri. P. W. 62 Mr. Narasimhachar is the Investigating Officer.

58. The injured persons are P. W. 19 Isakmiya a Police Constable, P. W. 23 Mr. Zamiruddin Sheriff, Police Inspector, P. W. 32 Venkatapathi *alias* Jettappa a Police Constable, P. W. 46 Mr. Muniappa the Revenue Inspector, P. W. 40 S. M. Abdul Sattar the Police Daffedar and P. W. 57 Ramiah a Police Constable. Their evidence is very consistent and clear and they speak as to what happened after they went to Isoor till they were taken to the Hospital on that evening to Shikarpur. All these persons swear in one voice that they all went together from Shikarpur along with the Amildar and the Sub-Inspector on bicycles and passing through Gama and Chikjogihalli and leaving their bicycles at the latter place proceeded to Isoor and to the seeing of the board M. O. 25 with the writing on it referred to above. They all speak to the coming of the boys and girls with congress flags and a gong persuading the Government Officers to resign their jobs and to give their head dresses and to put on khadi caps. They also speak to the fact that the Amildar and the Inspector dissuaded the boys from persisting in this demand and that while they were doing so, the Inspector snatched the gong from one of the boys and that there was a small crowd then and that A1 snatched the gong from the Inspector's hands and sounded loudly and that a crowd of 100 to 300 people came there armed with clubs and firewood pieces. In that crowd all these witnesses have seen the Sowcars Rudrappa, Basavannappa and Swami *alias* Santhaveerappa and to the shouting of the Sowcars that the Amildar's party had gone there to arrest them and that they should all be beaten or killed. They also state as to who assaulted each of them and the rest of the party.

59. P. W. 19 Isakmiya states that one Sowcar Santhaveerappa put his hand on the neck of the Sub-Inspector and pulled him down holding his uniform and that A3, A4 and A5 beat the Sub-Inspector and that A21 Subbaraya beat him, *viz.*, the witness, with a club on his left shoulder and that he ran away to the village and passing through P. W. 7's house hid himself in a tank and that after the Sub-Inspector was beaten the latter fired 2 or 3 shots from his revolver and that some one snatched his revolver and beat him further. He also states further that A37 Parvathamma and others pursued him there and that in the crowd he saw A3, 4,

5, 9, 16, 20, 21, 23, 24, 28 and 37. He is positive that A9 Sankarappa snatched his turban. The Sub-Inspector had entrusted 17 cartridges to him at the time he left Isoor and he returned this to Mr. Rajanna Setti the new Sub-Inspector on 2nd October 1942. M. O. 35 is the bicycle on which he had gone to Isoor on that day.

60. P. W. 23 Mr. Zamiruddin Sheriff, the Police Inspector states that he was receiving reports of congress activities as per Ex. P 26 series and that these were submitted to him by the Sub-Inspector Mr. Kenche Gowda. He had also received reports about the same activities from Police Constable, P. W. 18 Suryanarayana Rao as per Ex. P 33 series. He speaks to the receipt of the report Ex. P 20 from the Patel and Shanbhogue by the Amildar and states that it was sent to him by the Amildar as per his order Ex. P 20 (*a*) and that he endorsed it to the Sub-Inspector as per Ex. P 20 (*b*). He also states that on 26th September 1942 that the Amildar told him that they might all go together to Isoor and Gama to advise the elderly people of the villages not to encourage such subversive activities and that in accordance with that arrangement they went to Isoor on 28th September 1942. He speaks to the snatching of the gong from one of the boys and to A1 snatching the gong from him and sounding it and to the coming of about 300 or 400 people from the village armed with clubs and that by that time some one had removed his hat from behind as well as the head dress and turbans of Police Constables and Sub-Inspector. According to him some boys were pulling the uniform of the Sub-Inspector. He performed Namaskarams to the crowd and told them that they had not gone there to trouble them and the Amildar also did similarly and at the instigation of the Sowcar Basavannappa they were all beaten by the crowd. He received injuries on the back of his head and fell down. After this, the Sub-Inspector opened the fire. He also saw the others of the party being beaten. According to him A2 Mallappa hit him on the back of his head with a club, and after he fell down, A10 Halamma, A1 Gurappa, and A2 Mallappa beat him and removed his uniform and cross-belt and shoes. He is positive that A10 also had a club in her hand and beat him with it and that A1 dragged him to a firewood heap and beat him and tied him to a pole with a rope. His left thumb was tied to the pole in the firewood heap and he himself was tied to a pole fixed to the ground near that heap and the Revenue Inspector had been tied to his back to the same pole by A1. He swears that his clothes and the Revenue Inspector's clothes were taken away and that his hands as well as the Inspector's hands were tied to that pole. M. O. 21 and that in front of him the Daffedar Abdul Sattar and Ramiah were tied. To his left the Police Constable Venkatapathi, the Sub-Inspector and the Amildar had been tied to the same firewood heap. The Amildar was shouting for water and no one gave him water. Some one in the crowd threatened to burn all of them if any man in the crowd died. According to him further they burnt all their dresses and when the Sub-Inspector was still alive A1 beat him on his head with a shoe saying that he was putting up cases against them and that brought about the death of the Sub-Inspector. He has seen in the crowd A1, 2, 3, 4, 5, 10, 11, 18, 21, 23, 30, 38, 39, 40 and 41. His statement shows that A21 tied his thumb and the Revenue Inspector's thumb together and that A10 and A38 Siddamma were guarding them with clubs in their hands. He has seen A1 and A11 assaulting the Sub-Inspector on his head with clubs. He identifies M. O. 28 as a revolver taken by the Sub-Inspector from which the shots were fired. This is a Government property kept for the use of the Police in Shikarpur Police Station. He also identifies M. O. 42 the gold wrist watch and chain as belonging to the Sub-Inspector and the M. O. 34 as the bicycle on which he went to Isoor. He has been cross-examined at great length and he has stood the cross-examination well. When he was in the witness box at the request of the defence counsel the accused were re-shuffled and they changed their places and some of them changed their head dresses also. After this re-shuffling this witness was able to identify A1, 2, 3, 4, 5, 6, 7, 10, 11, 18, 21, 23, 33, 38 and 41 as the persons that were in the crowd and that assaulted him and others of his party. He has identified most of them in the identification parade held in the District Hospital at Shimoga by the *Ex-officio* First Class Magistrate, Shimoga. That was the first time when he went to Isoor and so he does not know the names of all these accused.

61. P. W. 32 is Venkatapathi *alias* Jettappa. He corroborates the incidents that led to assaults and states that in that crowd he saw A2, 3, 4, 5, 6, 7, 8, 9, 11, 13, 10, 12, 16, 17, 18, 20, 21, 22, 23, 26, 27, 35, 36 and according to him A3, 4, 5 and one Santhaveeriah beat the Sub-Inspector and after this the Sub-Inspector fired

one or two shots. His head dress and of Ramiah and of Sattar Sab and of Inspector and of Sub-Inspector were also removed. This witness stated that A1, 2, 9, 11, and 13 beat him with clubs on the head and on the left wrist and on the back and that he fell down then. Even now the witness has a scar on his head which was observed when he was in the witness box. He also states that A8, 9, 10 and 12 dragged the Amildar from the pial and that the Amildar fell down and that A1, 18 and 21 and others tied him (the witness) to the firewood heap. His hands were also tied and his right thumb was tied to the Sub-Inspector's left thumb and his left thumb was tied to P.W. 46 Muniappa's right thumb. He swears that when he and the Sub-Inspector asked for water A10 Halamma said that no water should be given to them and that urine should be given and that A33 Chendrasekarappa gave water to him and to the Sub-Inspector and Daffedar Sattar Sab and that some one threw away that water pot there. This witness had taken a revolver M.O. 17 under instructions of the Sub-Inspector. This revolver had been seized from Sowcar Basavannappa and had been kept in deposit. He identifies the bicycle M.O. 43 as the one on which he had gone to Isoor on that day. He also identifies M.O. 44 the whistle which he had taken with him.

62. P.W. 40 is the Police Daffedar Abdul Sattar and he states that he was beaten with clubs by A12, 22, 23, 41 and others and that A3, 4, 5, 8 beat the Sub-Inspector and A1, 2, 8, 10 and 37 assaulted the Amildar. He also speaks to these injured and the dead persons being tied to the firewood heap and to the pole and according to him his left thumb and Ramiah's right thumb were tied together and many people in the crowd were saying that these pigs wanted fine rice, cocoa-nuts and ghee and that two of them were dead and that if any of the persons injured by the gun shot were to die all of them would be burnt. He further states that A37, 38 and A10 came and questioned him if he had any cartridges and that they beat him with clubs and sticks when he asked for water and that his Westend Watch and gold ring were also taken away.

63. P.W. 46 Mr. Muniappa is the Revenue Inspector and he states that the Sub-Inspector requested the crowd with folded hands not to create trouble and to discuss matters and that inspite of this they were all assaulted under the instigation of the Sowcars and that A4, 5 and others hit the Sub-Inspector that one Chippigara Subbaraya, A25, 38 and others beat him on his head and body and that A10, 13 and 17 beat the Amildar and that A1, 2 tied them to a firewood heap and that he and the Inspector were both tied to the poles by their arms and that his one thumb and Inspector's thumb were tied together and that his another thumb and P. C. Jettappa's thumb were tied together by A1 and A2. He further states that A1, A2 and 6 hit the Amildar and the Sub-Inspector after they were tied. M.O. 29 is the revolver of this witness and it had been taken away by some one after he was assaulted and he states that his silver wrist watch and the gold ring have also been taken away along with the purse and a pair of spectacles and goggles and two fountain pens. He identifies M.O. 33 as the bicycle on which he went to Isoor and M.O. 47 as the wrist watch worn by the Amildar at the time of this incident and M.O. 32 as the bicycle of the Amildar on which he went to Isoor.

64. P.W. 57 Ramiah is the last of the injured persons. He states that A1 and A23 and others beat him and that he fell down unconscious and that he is still reeling and has pains in his face. M.O. 38 is the bicycle on which he went to Isoor.

65. All these injured persons have stood the cross-examination well. They were questioned at great length by the cross-examining counsel as to who were beaten first and in what part of the body and in what order. In the midst of the big crowd like that when all of them were attacked simultaneously it is very difficult for any one to remember as to who attacked first and what portion of the body and by whom and all these persons have not been able to say with any definiteness those questions in cross-examination. That does not mean that their evidence should not be believed. They are the persons who have seen the accused that have attacked them and their comrades in the crowd and they can very easily identify them and remember them.

66. The eye witnesses referred to above are all residents of Isoor and they have been living within a short distance of the scene of occurrence. They have deposed in a clear and consistent manner what they saw. The occurrence took place at about 12 NOON and it was just the time when the villagers stay at home

for food after their morning work. The evidence of the eye witnesses cannot be disputed and there is nothing in cross-examination to show that they are either interested in the prosecution or that they bear any ill-will against the accused who are their co-villagers. These eye witnesses implicate only the persons whom they have seen in the crowd with clubs beating the Amildar and his party. The very fact that each of the witnesses implicate certain number of accused shows that they are deposing only to what they saw and that they are not actuated by any motive in doing so. As a matter of fact, it is not possible among a big crowd for these eye witnesses to have noticed every one of the accused who have taken part in this ghastly attack. They could only see some of the people in the crowd who are prominent in attacking the Amildar's party. The accused have not in the slightest degree shown any reason why these witnesses should not be believed. These eye witnesses to the occurrence are entitled to be believed. Their houses are near the scene of occurrence.

67. I have now explained in detail the direct prosecution evidence with regard to the occurrence to the circumstances that led to the occurrence. Before proceeding to discuss the evidence against each of the accused I shall discuss whether the accused were members of an unlawful assembly and prosecution of the common object of that assembly committed rioting. In paragraph (24) I have stated what the common objects of the unlawful assembly were. One of their objects was to overawe by criminal force public servants in the exercise of the lawful power of such public servants and to run a parallel illegal administration deterring the public servants from entering their village in discharge of their duties.

68. There is plenty of evidence to prove the common object. That this accused and many others were engaging themselves in starting a parallel administration is seen from the fact that they have dissuaded many public servants from continuing Government Service and to resign their jobs. They have also uttered slogans which go to prove that they had a contempt for the existing Government which they called irresponsible Government as referred to in the evidence already with regard to the slogans uttered both in Prabhat Feri and exhibited on the temple beams. The evidence of P.W. 52 Veerappa shows that these people owed allegiance to the Government called Congress Government and that they installed their own Amildar. The treatment given to Patel P.W. 4 Chennabasaviah and P.W. 5 Shanbhogue Ranganatha Rao village officers of Isoor shows that they did not recognise the existing Government.

69. The evidence further shows that they were preaching non-payment of kandaya and the cutting down of "date, sandalwood and teak trees." Though there is no evidence to show that the trees were actually cut still their object was to incite people to do so. Fortunately before they put these into action they have been apprehended. It is seen from the evidence of the Inspector P.W. 23 Mr. Zamiruddin Sheriff that the object of these public servants in visiting the village of Isoor on that day was to dissuade people from engaging in such subversive activities and to get back the records of the Shanbhogue and Patel which had been taken away by the children of the village on 25th September 1942. It is therefore clear that the Amildar, Sub-Inspector, the Inspector and the Revenue Inspector with Police Constables and Daffedar went to Isoor in discharge of their duties and in the exercise of the lawful power of such public servants.

70. The Amildar was interested in seeing that the khathe and kirdis which are the revenue accounts of the village were got back in the interests of the revenue administration. The Amildar as a Police Officer and head of the Taluk Police was equally interested in seeing that law and order was maintained in the village and that there were no illegal activities in the village. The Revenue Inspector who accompanied the Amildar had jurisdiction over that village as such. Similarly the Sub-Inspector, the Inspector and the Daffedar were interested in the maintenance of law and order in that village. The Inspector is in charge of the entire Taluk and the Sub-Inspector was in charge of Police Station which had jurisdiction over Isoor. The Daffedar and the Police Constables were attached to the particular Police Station which was in charge of the Sub-Inspector.

71. It is therefore clear that all these persons went to Isoor for discharging their duties as public servants, and in the exercise of their lawful power. The evidence discussed above shows that all these public servants were overawed by criminal force. The fact that the Patel, Shanbhogue, the School Master and the

Police Constables were persuaded to give up their allegiance to the existing Government and to show allegiance to the Congress Government and to obey the Congress organization of the village proves that the accused or certain section of the accused along with others were running a parallel administration.

72. The evidence of P.W. 44 Hanumanthappa an young boy of 12 years and who is a resident of Isoor clearly shows that Sowcar Basavannappa had established a Government in the road by putting up two chairs and a table in the pendal there and by installing A26 Jayappa as the Amildar of that Government and he is positive that on the Sunday preceding the date of occurrence this Government was established and these congress-minded people had resolved now to allow any one in the village and if any man of irresponsible Government came to the village he should not be admitted. He also speaks to the punishment given to the Patel and Shanbhogue by this Congress Government on 27th September 1942. He also speaks to the board M. O. 25 written in chalk by A39 Lingoji and painted in ink by A15. When a boy of 12 years could know what was going on in the village it shows to what extent the lawless activity has spread in that village. There is also ample evidence to show that the people in the village were being told that public servants should be prevented from entering the village in discharge of their duties. This is seen from the evidence of the several witnesses referred to above. P. W. 28 Gutteppa was questioned how he entered the village being a Government servant. The Patel and Shanbhogue were similarly questioned the previous day. The Amildar and his party were also similarly questioned how they entered the village inspite of the board.

73. Exhibit P. 56 is the notification, dated 7th August 1942, issued by the Government declaring the Congress Committees in the Cities and District and the All-Mysore Congress Committe and All-Mysore Working Committee as an unlawful association in Mysore. Though the Congress as a whole was not declared unlawful, in indulging in the activities of the Congress though by itself was not open to objection yet their further action in the name of Congress was really objectionable. Their activities as I have already stated above were contrary to the maintenance of law and order. The village servants could not discharge their duties properly and the Police Constables that went on their duties to the village were compelled to resign their services and when the Amildar and his party went to the village in the interests of law and order they were attacked brutally. They were thus clearly engaged in the activities which were contrary to the maintenance of law and order.

74. They have committed offences of murder by causing death of Mr. Chennakrishnappa and the Sub-Inspector Mr. Kenche Gowda and the grievous hurt to Mr. Zamiruddin Sheriff, Ramiah and Abdul Sattar Sab and Jettappa and hurt to Isakmiya and Muniyappa and they have wrongfully confined these persons. These are the common objects with which the members of the unlawful assembly of the accused started to commit the several offences. The common objects of the assembly are thus clearly proved and by what has been stated above it is clear that this unlawful assembly with the abovesaid common object committed rioting armed with deadly weapons. The clubs and sticks which they have used in injuring the several persons and killing two persons show that they are deadly weapons.

75. All these 37 accused have been charged for an offence under Section 148, Indian Penal Code, *viz.*, rioting armed with deadly weapons. The common object of the assembly and the rioting having been clearly proved I shall consider now the individual liability and the collective liability of each of the accused in respect of the several offences with which they have been charged.

76. A1, 2, 3, 6, 8, 9, 11 and 40 are said to have taken part in causing the deaths of the Amildar Mr. Chennakrishnappa and Mr. Kenche Gowda. Further A10, 12, 13, 17, 20, 22, 37 and 38 are said to have taken part in causing the death of the Amildar and A4 and 5, A7 are said to have taken part in causing the death of the Sub-Inspector. With regard to A1 on this charge there is plenty of evidence. All the injured persons P. Ws. 19, 23, 32, 40, 46 and 57 state that A1 Gurappa followed them from Chikjogihalli to Isoor as far as temple and that after some time he snatched the gong from the hands of P.W. 23 the Inspector and sounded it loudly and that the crowd assembled there armed with clubs and firewood pieces. P. W. 6 Rudrappa, P. W. 11 Alli Sab, P. W. 14 Sankarappa, P. W. 33 Puttappa, P. W. 30 Sivappa have clearly stated that A1 was present in the crowd of people armed with clubs. P. W. 6 has seen A1 beating the police party and the

Amildar. P. W. 30 Sivappa says that A1 beat the Sub-Inspector. P. W. 14 has seen A1 with A2 and A40 tieing the Amildar and the Sub-Inspector to the firewood heap. The Police Inspector Mr. Zamiruddin Sheriff says that when the Sub-Inspector was still alive A1 beat him with a shoe and that the Sub-Inspector died then. P. W. 40 Daffedar Abdul Sattar also states the same. P. W. 46 the Revenue Inspector Muniappa states that A1 hit the Amildar and the Sub-Inspector and tied them to the firewood pole.

77. It is also seen from the evidence of P. W. 23 that A1 also was beating and removing his uniform and boots and that he dragged him to the firewood heap and tied him to the pole M. O. 21 along with the Revenue Inspector. A1 has also beaten P. W. 32 Jettappa as spoken to by him. From the evidence of the above witnesses it is clear that A1 had taken part in causing the death of the Amildar and the Sub-Inspector and in causing grievous hurt to P. W. 23 Mr. Zamiruddin Sheriff and P. W. 32 Jettappa. From the evidence of the above witnesses it is also seen that A1 wrongfully confined these injured and the dead people by tieing them to several poles and A1 along with other accused assaulted the Amildar and the Sub-Inspector with clubs. He must have known that he was causing fatal injuries to them. He must have knowledge that when several people beat those two persons with clubs it would cause the death. Afterwards he has dragged them and tied them. Though one or two blows might not have caused the death of the Amildar and Sub-Inspector yet the accumulated blows which caused 18 injuries should have easily caused the death of the Amildar and A1 must have knowledge that the Amildar was dying with so many persons dealing blows. After the Sub-Inspector fell down helpless A1 must have hastened the death of the Sub-Inspector by beating him again. He is clearly guilty of murdering the Sub-Inspector and the Amildar.

78. A1 Gurappa denies his presence at the spot and states that he was in Arasingere at the time of occurrence. He has examined 2 witnesses D. Ws. 30 and 31 to show this. Their evidence cannot be believed. It is easy to secure 2 witnesses to depose that he was in Arasingere then. They contradict each other. In the face of the prosecution evidence their evidence is not entitled to any weight.

79. He has also caused grievous hurt to P. W. 23 Mr. Zamiruddin Sheriff, the Police Inspector and to P. W. 32 Jettappa and hurt to P. W. 46 Revenue Inspector Muniappa. They have spoken to these facts. I have already stated above that the hurt caused to P. W. 23, P. W. 32 and to P. W. 40 is grievous hurt as they were in the Hospital for more than 20 days and it was not possible for them to attend to their usual avocations. A1 Gurappa is therefore guilty of the offence of causing grievous hurt to P. Ws. 23, 32. P. W. 23 was in the course of discharging his duties when he was hurt by A1. A1 Gurappa is guilty of the offence of having caused grievous hurt to P. Ws. 23, 32 and causing hurt to P. W. 46 the Revenue Inspector by beating them with clubs. He is also guilty of an offence under Section 342, Indian Penal Code for having wrongfully confined these by tying them to the firewood heap and to the pole.

80. *A2 Mallappa.*—P. W. 14 Sankarappa, P. W. 30 Sivappa and P. W. 6 Rudrappa have seen A2 Mallappa hitting the Amildar and the Sub-Inspector and A2 according to them was in the crowd armed with clubs. P. W. 14 has seen him beating the Amildar and A2, A1 and A40 tying the Amildar to a firewood heap. The injured persons P. Ws 23, 32, 40 and 46 have seen him in the crowd. According to P. W 30 Sivappa A2 beat the Sub-Inspector. According to P. W. 40 A2 beat the Amildar and according to P. W. 46, A2 beat the Amildar and the Sub-Inspector. P. W. 23 deposes that A2 hit him on the head and back and removed his uniform and boots with the help of A1 and A10. P. W. 46 also speaks to the fact that A2 tied him to the firewood heap and snatched their clothes. A2 also beat the Amildar and the Sub-Inspector even after tying them. As a matter of fact by this beating the Sub-Inspector had as many as 33 injuries and had his skull broken in four places. It cannot be said that A2 had no knowledge that the Sub-Inspector and the Amildar would die by the assault of several people including himself. A2 Mallappa is therefore guilty of murdering the Amildar and Sub-Inspector. He has also caused grievous hurt to P. W. 23 and caused grievous hurt to P. W. 32 as the latter says that A2 also assaulted him, offences punishable under Sections 332, 333 and 325, Indian Penal Code. A2 has also helped A1 in dragging the injured and the dead to the firewood heap and wrongfully confining them in tying them there. He is also guilty of an offence under Section 342, Indian Penal Code.

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81. He denies his presence at the scene of occurrence but he has not stated where he was and has not adduced any evidence to support his plea.

82. *A3 Suryanarayanachari.*—P. W. 3 Gurubasaviah, P. W. 6 Rudrappa, P. W. 30 Sivappa, P. W. 19 Isakmiya, P. W. 33 Puttappa, P. W. 25 Basavannappa and the other injured persons have seen A3 in the crowd armed with clubs. P. W. 6 Rudrappa states that he was beating the Police party. P. W. 19 Isakmiya a Police Constable saw A3 beating the Sub-Inspector. Similarly P. Ws. 25 and 30 have seen A3 beating the Sub-Inspector. P. W. 32 Jettappa states similarly and P. W. 33 Puttappa has seen A3 beating the Amildar and A3 bawling out that the Amildar's party should be tied down and that A1 and A20 then tied the injured and the dead. It is thus clear that A3 was also responsible for causing the death of the Amildar and the Sub-Inspector. A3 is therefore guilty of murder of the Amildar and the Sub-Inspector.

A3 also denies his presence at the spot and states that he had gone to his land but there is no reliable evidence to support his plea. He has examined two D.Ws., one of whom is his wife and another is his caste man of a different village and I have discussed their evidence below.—

83. *A4 Gurusanthappa.*—P.W.6 Rudrappa, P.W. 11 Alli Sab, P.W.33 Puttappa besides the injured persons have seen A4 armed with clubs in the crowd beating the Amildar's party. P.Ws 6, 19, 30, 40 and 46 all swear that they saw A4 beating the Sub-Inspector and as we have seen, the Sub-Inspector died as the result of this beating with severe injuries on the head and other parts of the body. A4 is therefore clearly guilty of murdering the Sub-Inspector, an offence punishable under Section 302, Indian Penal Code. In the meeting held on 27th September 1942, he was present. In that meeting they resolved that the Government servants should be dealt with if they entered the village the next day. It is seen from the evidence of the several witnesses that after the Sub-Inspector was assaulted violently, he fired a revolver which he had in his belt. These shots struck A4 and A5 and caused injuries to both of them. A4 had an injury near the ear and A5 had an injury in the shoulder by the gun shot. They got themselves admitted in the McGann Hospital at Shimoga, on 29th September 1942, as a result of these injuries and P.W.9 Dr. D. V. Subba Rao, Sub-Assistant Surgeon in the McGann Hospital, Shimoga, speaks to having received these two accused persons as in-patients in the Hospital. Ex. P.22 and P23 are the certificates given by P.W.9 in respect of A4 and A5 and their history sheets for the treatment given to them during their stay in the Hospital are Ex. P51 and P52. The presence of A4 and A5 cannot be denied. It is also not disputed that these persons received injuries from the shots fired by the Sub-Inspector from the revolver. A4 and A5 admit in their statements having received these injuries as a result of the fire opened by the Sub-Inspector and state that they had gone there in search of their children to see if they were in the galata there and that they received these injuries there. But the prosecution evidence belie their version.

84. *A5 Paniappachari.*—P.W. 4 Chennabasaviah has seen him going in Prabhat Feris. P.W.6 Rudrappa has seen him with a club in his hand in the crowd beating the Police party and beating also the Sub-Inspector. P.W.19 Isakmiya, P.W.30 Sivappa, P.W.40 Stattar Sab and P.W.46 Muniyappa have seen this accused assaulting the Sub-Inspector. As a result of the beating by this accused and several others, the Sub-Inspector died. It cannot be said therefore that A5 had no knowledge that by his act the death of the Sub-Inspector was probable. A5 is therefore clearly guilty of causing the death of the Sub-Inspector, an offence punishable under Section 302, Indian Penal Code.

85. *A6 Erappa.*—He is charged with the murder of the Amildar and the Sub-Inspector. P.W.32 Jettappa says that he saw him in the crowd beating the Sub-Inspector. P.W.46 states that he saw A6 beating the Amildar and the Sub-Inspector after tying them. Except these two injured persons none else has seen this accused as having been present in the crowd or as taking part in the offences. A6 is described in the charge sheet as Natakesina Erappa.

The learned counsel for A6 contends that his name is not Natakesina Erappa and that there is another person by name Natakesina Erappa in Isoor and that there is a mistake in identity. P.W.6 Rudrappa states clearly that there is one Kammar Erappa in the village and that he is known as Natakesina Erappa because there were two or three cases of theft of timber against him and he was convicted in those cases. He is positive that A6 is not Natakesina Erappa and that A6 was

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recently convicted and fined in one case for bringing two wooden pieces from the forest. He further admits that this Natakesina Kammar Erappa has been arrested by the Police and kept in custody for 12 or 13 days and that after he was released, A6 was arrested. If Natakesina Erappa is one of the accused in the case, it cannot be said that A6 is that person. P.W.6 further admits that on the date of the occurrence A6 Erappa was living in a depopulated village called Yerekatte grazing his cattle and that on the date of the occurrence he was in Yerekatte and had not come to Isoor and that Yerekatte is six miles from Isoor. That Kammar Erappa might have been called Natakesina Erappa rather than A6 is clear as that Kammar Erappa had been convicted in two or three cases whereas A6 has been convicted only once for a similar offence. Considerable doubt is therefore cast on the presence of A6 in the crowd on the date of the occurrence. If we place any reliance on the evidence of P. W. 6 about which I do not feel any doubt, A6 connot be said to have been present. The Police have not arrested the proper person Natakesina Erappa and it is not clear why they have arrested and caught hold of A6. A long delay in arresting A6 is also a strong circumstance against his implication in this case. P. W. 6 is positive that A6 was not present at all that day at Issor. Moreover he is not a resident of Isoor and he is living away from that place. A6 is therefore entitled to an acquittal.

86. *A7 Hutcharaya.*—P. W. 6 Rudrappa, P. W. 11 Alli Sab, P. W. 14 Sankarappa P. W. 24 Budan Sab, P. W. 33 Puttappa, P. W. 30 Sivappa, all state that this accused was present in the crowd armed with clubs. P. W. 6 has seen him beating the Amildar's party. Among the injured persons P. W. 32 Jettappa says that A7 beat the Sub-Inspector. He was one of those persons that was taking part in Congress activities as is deposed to by P. W. 39 Thimmiah, a Police Constable. When the witness P. W. 39 went to Isoor from Nyamati on official business, this accused obstructed him and kept watch over his movements and burnt his khaki bag by pouring kerosine oil. It was this accused that had taken away the revolver pouch of the Sub-Inspector and had thrown in the pond behind his house. It was in the presence of this accused that six bicycles belonging to the Amildar's party were recovered from that pond. The revolver pouch is M. O. 48. This accused admits that he had the revolver pouch M. O. 48 with him and that he threw it in the pond which he calls the fort ditch. According to him he was not at the scene of occurrence and on hearinig the disturbance from his sugarcane field he came to the village to see what it was and the people who were going behind his house told him that the Police people were there and that if he did not point them out his house would be burnt and that at that time when he went to his hittal one Rotheri Gurubasappa gave him the pouch M. O. 48 which was in the belt of the Sub-Inspector and that he refused to take it but still the people advised him to take it and that he took it and that as he was afraid he threw it away in that pond and that he pointed out this to the Investigating Officer P. W. 62 later on. From his statement it is clear that he was near the scene of occurrence immediately the occurrence took place and that he was in possession of one of the articles belonging to the Sub-Inspector. This pouch is not private property of the Sub-Inspector but it belongs to the Government and it was kept in the Police Station for use by the Police Officers along with the revolver M. O. 23 which also belonged to the Government. That this revolver and the pouch belong to the Government is spoken to by P. W. 61 Mr. Dasappa the Police Inspector of Shikarpur. In the property register maintained in that Station as per Ex. P53 this M. O. 48 pouch is shown as belonging to the Government. M. O. 28, the revolver, is also shown as belonging to the Government. This accused has not shown that he was near the sugarcane field and that he came there after the occurrence and that he had the pouch under the circumstances mentioned by him. As spoken to by P. W. 24 Budan Sab, the School peon in Chikjogihalli, this accused along with others hand gone in search of the bicycles left by the Amildar and his party in the School at Chikjogihalli. This witness is a peon in the School and he speaks to the fact of the Amildar and his party leaving their bicycles in the school and a little later about 30 people coming armed with clubs from Isoor to his school and that A7, A21 and others were in that crowd and in the evening he saw the bicycles had been taken away. It is therefore clear that this accused was one of the persons that was taking part in the disturbance of that day and that he had beaten the Sub-Inspector and was in possession of the pouch which was in the belt of the Sub-Inspector. This accused has taken part in beating the Sub-Inspector which ended in his death and he is therefore clearly guilty of the murder of the Sub-Inspector, an offence punishable under Section 302, I. P. C.

He has examined D. W. 26 Budan Sab who states that he and A7 were in the sugarcane field that day till 4 P.M. His evidence is not convincing. He is yet a boy and he can be bought over cheaply. Several prosecution witnesses could not have made a mistake about A7 who is a resident of Isoor. A solitary witness like D. W. 26 can be got easily.

87. *A8 Halappa.*—P. W. 25 Basavannappa has seen this accused beating the Sub-Inspector. He is corroborated by P. W. 32 Jettappa on this point. P. W. 32 further states that A8 dragged the Amildar from the pial and that the Amildar fell down. P. W. 40 Daffedar Abdul Sattar states that A8 beat the Amildar also. It is thus clear that this accused beat both the Amildar and the Sub-Inspector and that as a result of that beating along with others he was responsible for the deaths of both the Amildar and the Sub-Inspector. He is therefore clearly guilty of murder under Section 302, I. P. C., for the murders of the Amildar and the Sub-Inspector.

A8 states that he too was not in the village that day and that he had gone to his land to graze his bullocks. He has examined D. W. 33 to support his plea. I cannot attach much value to the evidence of this witness. Why he should remember when A8 had come to graze his bullocks is not clear. He admits that A8 had not come to the grazing land for 15 days before that. Why on this particular day he went is strange.

88. *A9 Shankarappa.*—He was one of the prominent persons who was taking part in Prabhat Feris as is spoken to by P. W. 4 Patel Chennabasaviah. He has been reported against by the Police for having taken part in Prabhat Feris as per Exhibit P. 33 (b). When P. W. 32 Jettappa, the Police Constable, visited Isoor on on 17th September 1942, this accused in the name of the Congress persuaded him to resign the Government service and threatened that if he did not do so and visited the village again he would be beaten. He was also one of the persons that brought P. W. 28 Gutteppa to the temple on 26th September 1942 and persuaded him to resign. P. W. 52 Erappa, a School Master, says that he was similarly compelled by this accused to resign his service on 27th September 1942. There is therefore no doubt that this accused was taking considerable interest in seeing that the Government servants resign their service.

On the date of occurrence P. W. 3 Gurubasaviah has seen him armed with club near the dead and the injured. Similarly P. W. 6 Rudrappa has seen him there. P. W. 8 Budan Sab, a resident of Isoor, says that he saw A9 beating the Sub-Inspector. P. W. 14 Shankarappa has also seen him beating the Sub-Inspector. P. W. 30 Sivappa also states that he saw him beating the Sub-Inspector. He has also beaten P. W. 32 Jettappa and dragged the Amildar and made him fall as is spoken to by P. W. 33. P. W. 33 has seen A9 beating the Sub-Inspector. He must have known that when several persons including himself beat the Sub-Inspector, death of the Sub-Inspector was inevitable. Many people have seen him in the crowd. He was one of those persons that went to the house of P. W. 52 Erappa for search of the Police Constables and bicycles at Chikjogihalli after the Amildar's party were assaulted. It is clear that he was taking part in this ghastly crimes. By beating P. W. 32 Jettappa, he has caused grievous hurt to him. He is therefore guilty of the offence of grievous hurt in causing hurt to P. W. 32 Jettappa. He is therefore guilty of the offences under Sections 302 and 325, Indian Penal Code.

Further it is seen from the evidence of P. W. 34 Savamma that A9 Shankarappa had kept a packet with her on Tuesday containing articles M. O. 40, 42, 44 and 45 promising to take them back and that he did not turn up again and that she had kept it in a cup board near the place where she was sleeping and that her husband P. W. 35 Holeyappa saw this bundle eight days later and that she told her husband that A9 had given that bundle for keeping it in her custody and that her husband opened the bundle and took it away. P. W. 35 Holeyappa corroborates what P. W. 34 has stated and states that on opening the bundle he saw a wrist watch with a chain, a gold ring and a whistle and the tube of the fountain pen and that as he felt suspicious on seeing the whistle he took the bundle to the Patel P. W. 36 Veerabhadrappa of Hittal where P. Ws. 34 and 35 live. The Patel is then said to have held a mahazar and then taken him and P. W. 34 to Isoor and given these articles to the Police Inspector P. W. 62 who seized them under a mahazar. P. Ws. 34 and 35 have signed that mahazar. The report which he gave to his patel along with the bundle is Exhibit P. 40. M. O. 40 is a gold ring. M. O. 41 is the whistle with cord. M. O. 42 is the

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gold wrist watch with chain. M. O. 45 is the fountain pen tube. The gold watch and the chain belonged to the deceased Sub-Inspector Kenche Gowda as is spoken to by P. W. 37 Dharme Gowda, the Revenue Inspector of Hosur, Shikarpur Taluk. He was present when P. W. 35 produced M. Os. 40, 42 and 44 to 46 to the Police and he swears that the gold ring M. O. 40 and the wrist watch M. O. 42 with chain belonged to the deceased Kenche Gowda and that he handled them for comparison and that he and Kenche Gowda were friends. P. W. 32 Jettappa identified the whistle as his and that he had taken it when he went to Isoor. P. W. 23 Mr. Zamiruddin Sheriff states that M. O. 40, the gold ring, M. O. 42 the gold wrist watch and chain belonged to the Sub-Inspector. When A9 is in possession of the property belonging to the deceased Sub-Inspector Kenche Gowda and the property belonging to P. W. 32 Jettappa, it lay on him to explain how he got possession of those properties. He has not explained it and on the other hand denies having been in possession of them or having given them tied in a bundle to P. W. 34 Savamma. P. Ws. 34 and 35 are near relations of this accused and there is no motive for them to swear falsely against him. He must have taken the wrist watch and the chain from the Sub-Inspector after he was rendered helpless and the whisle from P. W. 32 also when he was unable to resist him.

A9 denies all knowledge of the offence and states that at the time of occurrence he was on his land. There is no evidence to show this. He has not stated why his own aunt should be disbelieved. It was suggested that a girl intended for the grandson of P.Ws 34 and 35 was married by A9 and that on this account there is ill-will between them. P. W. 34 admits that a girl intended for her grandson was married by A9 but states that there is no ill-will on this account and that she attended A9's marriage. Even if this accused's contention is believed, it is too trivial to enable P.W. 34 to depose falsely against her own relation on a capital charge. P. W. 34 is an old and straightforward woman.

89. *A10 Halimma.*—P. W. 6 Rudrappa, P. W. 25 Basavannappa and P. W. 14 Shankarappa have seen this accused in the crowd which had come to assault the Amildar's party. P. W. 6 has seen her beating the Amildar's party with a club. P. W. 23 the Inspector Mr. Zamiruddin Sheriff says that A10 along with A1 and A2 beat him and removed his uniform and boots and that A10 was guarding them after the injuries were inflicted on them when others in the crowd went to the village gate expecting a military party. P. W. 25 Basavannappa has sworn that he saw A10 beating the Amildar with clubs. P. W. 32 Jettappa has seen A10 dragging the Amildar from the pial of the temple and as a result of this the Amildar fell down. P. W. 33 Puttappa also says that A10 beat the Amildar. P. W. 40 Sattar Sab states the same and adds that A10 questioned him if he had any cartridges. P. W. 6 also saw A10 beating the Amildar. From the evidence of these witnesses it is seen that A10 beat the Amildar, Sub-Inspector and the Inspector. A10 must have known that when she beat the Amildar and the Sub-Inspector along with others in the crowd the death of the Amildar was inevitable and that her attack on the Police Inspector would cause serious hurt.

She is the wife of Sowcar Basavannappa who is one of the absconding accused and who, according to the prosecution, is said to have taken a leading part in instigating the crowd to assault the Amildar and his party. In her statement before court she denied all knowledge of the offences and stated that she was at home and that she knew nothing. She has given information to the Police which has led to the recovery of the revolver M. O. 17 from the well in her house. She denies having given this information and states that the Deputy Commissioner and others compelled her to give some information and that she pleaded inability to do so and that on account of ill-will between her people and one Gowda Gurubasappa P. W. 3, she has been implicated as an accused in the case. In the face of the above prosecution evidence, it is difficult to believe her statement that she was not in the scene of occurrence. She has taken up a prominent part in attacking these people and there is evidence to show that when the injured and the dying people wanted water and A33 offered water, she refused to give water to them and offered urine instead. She is a diabolical woman. She looks thin in build and dwarf in structure. But she is capable of all things attributed to her. Considering that her husband is said to be taking leading part in the Congress movements and disturbance of that day there is nothing improbable in her having taken part in the offences. It was elicited during the examination of P. W. 60 that she had returned from her father's house two or three days before the occurrence. That does not in

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any way disprove her complicity in this offence. She is therefore guilty of murdering the Amildar, and causing grievous hurt to the Inspector, offences punishable under Sections 302 and 332, Indian Penal Code.

She has examined D.Ws 7, 8, 9 and 14. D. Ws 7, 8 and 9 state that A10 was in Honnali in her mother's house till 27-9-42, and that on that day she left Honnali for Isoor and reached at the same night. D. W. 8 is her own brother and he states that she left Honnali two days after the last Ganapathi feast. The latter feast fell on 14-9-42. So it is clear that A10 left Honnali long before the occurrence and not on 27-9-42. It is admitted by all the witnesses that A10 was at Isoor on ~~42-6-82~~ 28-9-42 and that they state only that A10 was at home at the time of occurrence. In the face of the clear and cogent evidence of the prosecution witnesses, their evidence cannot be believed. It is rather strange that P. W. 7 who is a stranger to the family should know the movements of A10 and particularly the date of her departure. D. W. 14 is a resident of Kumsi and he is said to have gone to A10's house at Isoor to purchase old silver from her husband on 28-9-42 and stayed there till 2 P.M. There is no document on receipt to show that he purchased silver that day. He is not corroborated by any one. Even D. W. 8 does not support him. His evidence is valueless.

90. *A11 Siddalingappa.*—He is one of the important accused that has taken a leading part in committing these offences. On 17th September 1942, when P.W. 32 Jettappa visited Isoor on duty, this was one of the accused who persuaded him to resign the Government service on threat of violence. Similarly when P.W. 39 P. C. Thimmiah, a Police Constable of Nyamathi visited Isoor on 20th September 1942, he was one of those that persuaded him to resign Government service. This accused questioned P.W. 39 how he came there being a Government servant. He was one of the persons that was taking part in Prabhat Feri as deposed to by P.W. 4 Chennabasaviah, Patel of Isoor. P.W. 11 Alli Sab, P.W. 14 Shankarappa, P.W. 23 Mr. Zamiruddin Sheriff, Police Inspector, P.W. 25 Basavannappa, P.W. 32 Jettappa all swear to the fact that he was found in the crowd that day armed with a club. The Inspector has seen him beating the Sub-Inspector. Basavannappa, P.W. 25, also has seen him beating the Amildar. P.W. 32 Jettappa swears that this accused beat him also. He was one of those persons that went to Chikjogihalli along with A9, A16 and A37 to the house of P.W. 52 Veerappa as deposed to by the latter in search of the bicycles and Police on 28th September 1942, soon after attacking the Amildar's party. There is therefore no doubt that this accused caused injuries to Sub-Inspector, Amildar and P.W. 32 Jettappa. As a result of these injuries inflicted by this accused and by others, the Amildar and the Sub-Inspector died.

From the evidence of P.W. 49 Gurubasappa, a boy of 14 years and a resident of Isoor it is seen that A11 told him that he had given a watch to the hands of P.W. 50 Badakalli Mallappa. P.W. 50 Mallappa deposes that A11 had given him a watch 1 or 1½ months prior to his examination on a Monday at about 5 P.M. when he was near the river. That Monday must be the day of occurrence in Isoor. This watch is M.O. 47. P.W. 50 further states that A11 promised to take it back from him soon and that he did not do so and that he had given it to one Arasingere Mahadevappa and that he produced that watch to the Police. This watch belongs to the Amildar as is spoken to by P.W. 46, the Revenue Inspector, who had opportunities of seeing this with the Amildar. The accused has not explained how he came to be in possession of the Amildar's watch. On the other hand, he states that he was not at all in the village that day and that he is a resident of one Kalmane five miles ftom Isoor and that he had not given the watch to P.W. 50. There is no reason shown why P.Ws. 49 and 50 should swear falsely against this accused. He was one of those who were taking a leading part in the congress movements as is seen from his conduct in handling the officials even prior to the occurrence. From the evidence it is clear that he has beaten the Amildar and the Sub-Inspector and caused hurt to P. C. Jettappa P.W. 32. The Amildar and the Sub-Inspector have died as a result of injuries inflicted by him and others. This accused must have known that when he inflicted injuries on the Amildar and the Sub-Inspector that these injuries were likely to prove fatal. He is therefore guilty of the murders of the Amildar and the Sub-Inspector and of causing grievous hurt to P. C. Jettappa, offences punishable under Sections 302, 304 and 325, Indian Penal Code.

91. *A12. N. Durgappa* alias *N. S. Durgoji.*—It is only P.W. 32 and P.W. 40 that have seen this accused in the crowd armed with a club. According to P.W. 32 Jettappa, the Police Constable, A12 dragged the Amildar down from the pial when

the Amildar fell down. He has not taken any further part in injuring the Amildar. He cannot therefore be charged for murder of the Amildar. P.W. 40 Daffedar, Abdul Sattar is positive that these accused beat him along with others. This accused is therefore guilty of the offence under Section 333, Indian Penal Code, casing grievous hurt to P.W. 40 while he was in the discharge of duties. 5

This accused pleads that he was not in the village at all at the time of occurrence and that he had gone out to plant mango trees and that he returned to the village only in the evening and that the occurrence had taken place by the time he came back. There is no reason shown why P.Ws. 32 and 40 should speak against him. P.W. 40 cannot have made any mistake about this accused as he 10 has received a blow from him with a club. He is not guilty of the charge of murder. He has examined D.W. 25 to show that he was planting mango tree on his land. This witness is not corroborated by any one and he does not know any other incident of that day except seeing A12. His evidence can be secured easily and I am not satisfied with his evidence. 15

92. *A. 13 N. Ramanna.*—P. W. 3 Gurubasaviah has seen this accused taking part in Prabhat Feri and he has also seen him at the time of the occurrence with a club near the dead and the injured. P. W. 6 Rudrappa, P. W. 14 Shankarappa, P. W. 32 Jettappa, P. W. 30 Sivappa, P. W. 46 the Revenue Inspector have all seen him in the crowd. He was one of those persons according to the 20 evidence of P. W. 32 that has caused injuries to P. W. 32 Jettappa. P. W. 6 has seen him beating the Amildar's party though he is unable to state whom this accused beat definitely. The Revenue Inspector also states that this A13 beat the Amildar but he is not corroborated by any other witness in this matter. This witness was unable to identify any of the accused and to give 25 out the name of any of the accused when he was in the witness box though he stated that all the 41 accused were present at that time. This accused was also taking part in the congress activities as is seen by the evidence of P. W. 28 Gutteppa whom he persuaded to resign on 26th September 1942. This accused has also beaten P. W. 32 as is spoken to by the latter. P. W. 46 was unable to 30 identify one Chippigara Hucharaya on the ground that all the accused had grown a beard. A13 cannot be held liable for the murder of the Amildar but he is clearly guilty of causing grievous hurt to P. W. 32 Jettappa, an offence punishable under Section 325, Indian Penal Code. P. W. 32 is a resident of Shikarpur and he can identify this man easily. A13 merely denies having assaulted any one. He has 35 examined only D. W. 32 to show that he was working in the sugarcane field that day. But the evidence of D. W. 32 is not corroborated by any one. He has not impressed me with his veracity. I cannot believe him.

93. *A14 K. Hucharaya* has already been discharged.

94. *A15 Vittoba.*—P. W. 14 Shankarappa says that he was seen in the crowd. 40 P. W. 31 Mohamed Dastagir has seen him taking part in Prabhat Feri. A15 and others according to P. W. 31 were compelling him to resign Government service and to join congress under threat that if they failed to do so their houses would be burnt. A15 and others were shouting the slogans that the Government servants should be boycotted and killed and that kandayam should not be paid. This wit- 45 ness, P. W. 31, is a School Master in the Gama School. A15 had written the board M. O. 25 as is deposed to by P. W. 44 Hanumanthappa and P. W. 45 Veerappa. P. W. 44 is a boy of 12 years and he states that A39 Lingoji wrote the board M. O. 25 on 27th September 1942, for establishing a Government there in chalk and that A15 Vittoba painted that writing in black ink. P. W. 45 Veerappa, 50 another boy of 13 years, states that A39 wrote that board M. O. 25 in chalk and that A15 was asked to convert that chalk writing into writing in ink and that when he refused to do so, Sowcar Basavannappa beat him and compelled him to ink that writing. Beyond the statement of P. W. 14 Shankarappa no one has spoken to the fact that this A15 was present in the crowd that evening. As his statement is 55 not corroborated by any one else I think it is unsafe to convict him on the mere statement of one witness. It was possible that P. W. 14 may have made a mistake. If A15 was present in the crowd others also should have seen him. As is seen from the evidence of P. Ws. 44 and 45, though A15 is responsible for the writing of the board, he was not a free agent in doing so. He was compelled by 60 Sowcar Basavannappa to do so on pain of beating. I cannot therefore hold that he has taken part in the incident of 28th September 1942. He is not charged for what he did on the previous day and even what he did on the previous day was not voluntary. The only charge against him is that he was a member of the

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unlawful assembly armed with clubs and I therefore acquit him of that charge. He also denies in his statement as not being present at the scene of occurrence and states that he was not present in the village that day. He is therefore entitled to be acquitted.

5 95. *A16 Hanumantha.*—P. W. 19 Isakmiya and P. W. 32 Jettappa have seen this accused on the date of occurrence. There is no evidence to show that he has taken part in assaulting any of the Amildar's party. He has been seen in the crowd by P. W. 26 Basavannappa after the occurrence near Chikjogihalli and the crowd had gone to that village in search of the bicycles belonging to the Amildar's 10 party. It is thus clear from the evidence of P. W. 19 and P. W. 32 that he was in the crowd and P.W. 26's evidence shows that he was coming in the crowd to Chikjogihalli. Further P. W. 52 Veerappa says that this accused along with others had come to his house at Chikjogihalli in search of the Police and the bicycles. He is therefore clearly a member of the unlawful assembly which had 15 the common objects referred to above and he is therefore guilty of the offence only under Section 148, Indian Penal Code. This accused denies having taken part in any of the offences and states that he had gone to a channel for washing the clothes near Chikjogihalli and that he came home only at 5 P.M. that day. There is no reason shown why the prosecution witnesses referred to above should swear 20 falsely against him. He has examined D. W. 41 Phakeerappa who states that he (A16) was washing clothes in a channel from 10 A. M. to 3 P. M. that day. That channel is only one mile from Isoor. The evidence of this solitary witness is too vague and artificial and he cannot be believed in the face of the prosecution evidence.

25 96. *A17 A. Hutcharaya Chindi.*—P. W. 11 Alli Sab and P. W. 32 Jettappa have seen this accused in the crowd that attacked the Amildar's party. P. W. 46 says that A17 beat the Amildar. Beyond P. W. 46 no one says that A17 beat the Amildar and it is unsafe to hold that this accused beat the Amildar in the absence of any evidence corroborating P. W. 46 as he was not able to identify any of the 30 accused. The mere fact that he was seen in the crowd without overt action being attributed to him cannot lead one to believe that he was one of the rioters. He may have gone there innocently like any other witnesses to see what was going on. It is in evidence of some of the prosecution witnesses that there were persons who were not armed with clubs in the crowd. No one has specifically stated except 35 the Revenue Inspector that this accused had gone there armed. He has been charged with serious offence of murdering the Amildar and unless there is evidence to corroborate P. W. 49 he cannot be convicted for offence of murder. There is nothing to show that he was taking part in unlawful activities connected with the occurrence. The mere presence in the crowd is not sufficient to convict him. I 40 therefore acquit him.

97. *A18 Neelakantappa.*—P. W. 32 Jettappa, P. W. 23 Mr. Zamiruddin Sheriff and P. W. 11 Alli Sab speak to the presence of A18 in the crowd armed with clubs. P. W. 33 Puttappa states that A18 beat the Inspector Mr. Zamiruddin Sheriff. This accused has therefore committed the offence of causing grievous hurt 45 to the Inspector. He is, therefore, guilty of the offence under Section 333, Indian Penal Code.

He states that he is a native of Halivana village and that on the day of occurrence he had gone to the village of Dodbathi, Davangere Taluk, to see his father-in-law who was ill there. He has examined two witnesses D.Ws. 17 and 50 18 to prove this. They both state that A18 came to their village of Dodbathi 15 days prior to the last Ganesha Feast and that he remained there till he was arrested by the Police. How they remembered this fact is not clear. They are in no way interested in him and they could not be watching his movements all through. He may have gone there but I cannot believe that he remained there 55 for nearly a month as many of the prosecution witnesses have seen him in Isoor on the day of occurrence. It is possible that after the occurrence he may have run away to that village to avoid arrest and the two defence witnesses have given a wrong version of his stay there.

98. *A19 H. Hanumanthappa.*—P. W. 4 Chennabasaviah and P. W. 31 60 Mohamed Dastagir both state that A19 was taking part in Prabhat Feri and he has been seen in the crowd on the date of occurrence by P.W. 30 Sivappa, P.W. 14 Sankarappa and P. W. 11 Alli Sab. P. W. 33 Puttappa further states that at that time A19 was shouting in the streets that the Police had come and that boys

should collect to prevent them. P. W. 30 no doubt has not mentioned the name of this accused as being present in the crowd when he was examined by the Investigating Officer; but other witnesses have seen him. Though he has not taken part in the actual occurrence he was inciting the boys to prevent the Police from entering the village. This is in pursuance of the common object and he is therefore guilty of being a member of the unlawful assembly with the common objects mentioned above and as such he is liable for an offence under Section 148, Indian Penal Code. He admits that he was in the village that day but states that as instructed by his mother he went and took shelter in his grand-mother's house at the time of occurrence as he feared arrest by the Amildar and as he was taking part in Congress activities. Many of the prosecution witnesses have seen him in the crowd and his plea is not proved by any evidence.

99. *A20 Nageshachari.*—As spoken to by P.W. 4 Chennabasaviah he was also taking part in Prabhat Feri P.W. 32 Jettappa, P.W. 19 Isakmiya and P.W. 14 Sankarappa have seen him in the crowd armed with clubs. P.W. 3 Gurubasaviah has seen this accused with a club near the dead and the injured. P.W. 30 Sivappa has seen this accused beating the Amildar with the club. P.W. 33 Puttappa states the same and adds that he tied the Amildar and his party to the firewood heep. It is, therefore, clear that this accused has taken part in causing the fatal injuries to the Amildar and he is therefore clearly guilty of the murder of the Amildar. By wrongfully confining them he is guilty under Section 342, Indian Penal Code. He was one of those persons that was taking part in Prabhat Feri and in persuading the Government servants to resign their service. He was one of those that brought Guttappa to the temple on 26th September 1942 to persuade him to resign. He states that on that day he was in his house at Kalmane, five miles from Isoor and that he has not taken any part in the occurrence and he has examined D.Ws. 38 and 39. D.W. 39 is his sister-in-law and wife of A3. These two state that A20 was in Kalmane and that he was brought to Isoor at about 4-30 P.M. by D.W. 39 after A5 was injured by gun shot. A3, A5 and A20 are brothers. This D.W. 38 had no reason to be present in Isoor that day. His statement that he wanted to talk to A3 about some land is too vague and unbelievable. D.W. 39 is clearly interested in him as his close relation.

100. *A21 C. Subbaraya.*—P.W. 11 Alli Sab, P.W. 32 Jettappa, P.W. 33 Puttappa, P.W. 23 Inspector and P.W. 19 Isakmiya have seen him in the crowd armed with clubs and Isakmiya P.W. 19 states that A21 beat him. P.W. 24 Budan Sab, the Peon in Chikjogihalli School, has seen this accused coming to Chikjogihalli and taking away bicycles and it was this accused that tied P.W. 32 Jettappa also to the firewood heap. This accused is therefore clearly guilty of the offences under Sections 323, 148 and 342, Indian Penal Code.

He states that he had gone to his wet land at the time of occurrence but his statement cannot be believed in the face of the evidence of prosecution witnesses. He has examined D.W. 37 to prove this. His evidence is too vague and cannot be believed. It is easy to secure a single witness of this type.

101. *A22 P. Channabasappa.*—P.W. 8 Budan Sab, P.W. 32 Jettappa, P.W. 33 Puttappa and P.W. 14 Sankarappa have seen him in the crowd that day armed with clubs. P.W. 8 further states that A22 and others beat the Amildar and P.W. 40 Daffedar Abdul Sattar says that A22 also beat him. This accused was responsible for the death of the Amildar by inflicting injuries on him. He is, therefore, guilty under Section 302, Indian Penal Code for having murdered the Amildar and guilty of the offence under Section 333 for having caused grievous hurt to Police Daffedar while he was in the discharge of his duty.

He pleads that at the time of occurrence he was taking food in his house at Isoor and that he did not go to the scene of occurrence. Several prosecution witnesses have seen him armed with clubs and beating the Amildar and others. He has examined D.W. 10 to show that there was a quarrel between him and P.W. 8 and that on this account P.W. 8 is deposing falsely against him. We do not know what that quarrel is. It is not clear why for a trivial quarrel P.W. 8 should involve him in a serious case of this kind. D.W. 21 is also examined by A22 to show that he and P.W. 14 are followers of defferent mutts. This cannot lead to any ill-will apparently. This evidence does not take away the weight of the evidence of P.Ws. 8 and 14.

102. *A23 M. Veerabasappa.*—P.W. 32 Jettappa, P.W. 23 Zamiruddin Sheriff, the Inspector, and P.W. 19 Isakmiya, Police Constable, have seen him in

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the crowd and P.W. 40 the Daffedar Abdul Sattar says that he was one of those that beat him and caused hurt. I have already stated above that P.W. 40's injuries amount to grievous hurt. This accused is, therefore, clearly guilty of causing grievous hurt to the Daffedar, an offence punishable under Section 333, Indian Penal Code and guilty of rioting under Section 148, Indian Penal Code.

He pleads that on the day of occurrence he had gone out of the village with his bullocks at 10 A.M. He has examined D.W. 27 to show this. He is indebted to A23 as he has taken A23's lands for grazing his cattle and he is the nephew of one of the absconding accused. He is not corroborated by any one. I cannot attach any value to his evidence.

103. *A24 Thejanna.*—It was only P.W. 19 Isakmiya that has seen him in the crowd. No other witness speaks to his presence and there is no evidence to show that he assaulted any of the Amildar's party. It is unsafe to convict him on the sole and uncorroborated testimony of Isakmiya P.W. 19. He is, therefore acquitted. He also states that he had gone to Hittalu village and that he was not on the spot.

104. *A25 Gurubasavanniyappa.*—Both Jettappa and the Revenue Inspector have seen this accused in the crowd. It is only the Revenue Inspector that identifies this man as having beaten him. He is not corroborated by any one. He was unable to identify any one of the accused. Though he named A21 he could not even identify him. A25 may have gone there innocently as a spectator. He pleads that on account of some ill-will between him and P.W.46 Revenue Inspector. the latter has deposed against him.

He has examined D.W.23 Hanumanthappa to show this alleged ill-will. A25 is the Chairman of the Village Panchayet of Isoor. D.W.23 states that he was a contractor doing village panchayet contract work and that P.W. 46 was checking the bills and work done and that he was delaying doing so and that A25 complained to the Amildar and got to this work entrusted to the Well Overseer and that on this account there is ill-will between the two. P.W.46 has denied such ill-will, though he admits that this checking and bill work was taken away from him and given to the Well Overseer. His evidence require corroboration.

105. *A26 Jayappa.*—He is a boy of about ten years of age having been born in 1932 according to the prosecution and is the daughter's son of Sowcar Rudrappa who is one of the absconding accused. According to the evidence of P.Ws. 4 and 5 Chennabasaviah and Ranganatha Rao, the Patel and Shanbhogue of Isoor and P.W.44 Hanumanthappa, a boy of 12 years, it was this accused that officiated as Congress Amildar on 27th September 1942 and inflicted a fine of Rs. 10 on P.Ws. 4 and 5 and were made to stand on one leg. P.W.28 Gutteppa says that he saw A26 on 26th September 1942 in the crowd of people that persuaded him to resign his service. On the day of occurrence P.W. 32 Jettappa, P.W.33 Puttappa and P.W. 14 Sankarappa have seen him in the crowd. These acts by themselves are not sufficient to show that he had taken part in rioting and that he had knowledge of the common objects of the unlawful assembly. He is above seven years of age and below 12 years of age. I have seen him in court daily. He has not reached sufficient maturity of understanding to judge the nature and consequences of his act on the above occasion.

The Special Public Prosecutor concedes that he cannot say that this boy has sufficient maturity of understanding to know what he was doing. This boy is therefore protected under Section 83 of the Indian Penal Code. As it is, he has not committed any offence. He is therefore acquitted.

I cannot help observing that the elderly people of his household were unwise in allowing this boy to indulge in unhealthy activities.

106. *A27 Khadi Basavanniyappa.*— The only evidence against this accused, *viz.*, A27 is that he was found in the crowd on 26th September 1942, persuading P.W.28 Gutteppa to resign service. It is only P.W.32 that is said to have seen him in the crowd on 28th September 1942. He is not corroborated by any other witness as being present at the scene of occurrence on that day. The evidence against him is not sufficient to convict him. He has not admittedly taken any part in the incident of that date. He may have gone there simply just like any other prosecution witnesses. He is therefore acquitted.

107. *A28 Patel Gurusanthappa.*—It is only Isakmiya P.W.19 that states that he saw him in the crowd on 28th September 1942. No other witness has seen him in the crowd. From the evidence of P.Ws. 6, 8, and 11 it is seen that there was a long-

standing ill-will between Sowcar Basavannappa the alleged leader of the aggressive party and A28 Gurusanthappa. There was a case of murder some ten years ago against A28 in which Sowcar Basavannappa and P.W.6 Rudrappa were prosecution witnesses. A28 was acquitted in that case. It is also admitted that Sowcar Basavannappa and A28 belong to different factions. P.W. 6 further states that A28 had not joined the congress and that he did not see him in the crowd. P.W. 8 Budan Sab also says that there are two factions in the village headed by Patel Mahadevappa, brother of A28, and Sowcar Basavannappa, and that these two parties do not mix with each other and do not talk to each other and that A28 and his brother belong to one faction and that A28 had not joined the congress activities and that he did not see him in the crowd on the date of occurrence and that A28 had gone away to Arasingere, a village 1½ miles from Isoor on the date of occurrence. He returned after sunset that evening after the occurrence. P.W.11 Alli Sab also states that he did not see A28 in the crowd at the time of occurrence. It is therefore clear that A28 cannot be guilty of any offence.

It is highly improbable that he could have joined Sowcar Basavannappa in this affair when he belongs to the opposite faction and when he had no sympathy for congress. This accused has also examined one witness to show that he was in Arasingere on that day from morning till evening. The accused A28 is therefore acquitted of the charges against him.

108. *A29 G. Sannarudrappa.*—P.W. 6 Rudrappa states that he has seen him armed with club in the crowd beating the Amildar's party. He is unable to state whom this accused assaulted in this crowd. So the evidence of P.W. 6 is not corroborated by any other witness as regards the presence of this accused. None of the other persons including the injured has seen him in the crowd. He is therefore entitled to an acquittal.

109. *A30 Hutcharaya.*—It is only the Inspector Mr. Zamiruddin Sheriff that speaks against this accused stating that he saw him in the crowd. It was the first time that the Inspector went to Isoor on that fateful day and he had not gone before to that village. Though he stated during his examination-in-chief that he saw A30 in the crowd, in the cross-examination when the accused were re-shuffled and their order was changed this witness was unable to identify A30 as having been present at the time of occurrence. This witness cannot have therefore easily identified A30 in the crowd. A30 is therefore entitled to be acquitted.

110. *A31 N. Sannasivappa.*—It is only P.W. 6 Rudrappa who states that he saw him armed with club in the crowd beating the Police party at the time of occurrence. He is not corroborated by any one else. No injured person or other prosecution witnesses speak to his presence in the crowd. He is therefore entitled to be acquitted. It is unsafe to convict him on the sole testimony of P.W. 6.

111. *A32 G. Sivappa* is discharged.

112. *A33 U. Chendrasekharappa.*—The evidence against A33 is only that of P.W. 7 Imam Sab who saw him in the crowd. There is nothing to show that he has taken any part either in congress activities or in beating the Police party. There is also nothing to show that he was armed with club at the time he was seen in the crowd by P.W. 11. It is admitted by the prosecution that on 4th October 1942 this accused was away from the village. During his absence the whistle with a cord M.O. 41 was found in this accused's house. His mother was in the house at that time. Since the whistle was traced during the absence of this accused and there is no evidence to connect the accused with the whistle it cannot be stated that A33 had kept this whistle in the house. It no doubt belonged to one of the Police Officers that went to the scene of occurrence on that fateful day but there is no connection between the whistle and this accused. If he had taken the whistle I do not think he would have so openly left it in a nitche in the house. The evidence of the prosecution discloses that soon after the incident all the villagers left the village and that the village was practically empty. Any one may have put the whistle in his house. Even if P.W. 11's evidence is believed it is possible that he may have gone there as a spectator just like P.W. 11 himself rather than as an aggressor. His subsequent conduct also supports this. When the Amildar and his party were struggling for water to drink it is this accused that went and brought water and gave it to the injured persons, *viz.*, the Sub-Inspector, Inspector and the Daffedar. P.W. 40 Daffedar Abdul Sattar speaks to this fact. Before he could give water to others the water was thrown away by some one. If this accused had taken part in the occurrence I do not think he would have been so humane as to give water to the injured and the dying. His statement before the

court is that he had gone out of the village that morning and that when he returned at about 3 P.M. he saw the injured and the dead in the midst of the people near the temple and that as they demanded water he went and fetched water and gave it to some of them. He is therefore entitled to be acquitted.

5 113. A34 A. Gowda Ramanna and A35 G. Basanna are discharged.

114. *A36 S. Veerappa.*—It is only P. W. 32 Jettappa that saw him in the crowd. He calls him as Thejanna though his name is Basanna. He has not mentioned before the Investigating Officer that A36 was in the crowd. P. W. 32 states that he did not mention the name of A36 before the Police as he was suffering 10 from pains due to injuries. That may be so. But since he is the only witness that has identified A36 in the crowd and since he has not mentioned A36 as having been present in the crowd at the earliest opportunity and since his evidence is not corroborated by any one else it is unsafe to convict this accused on the sole testimony of this witness. I therefore acquit him.

15 115. *A37 Parvathamma.*—P. W. 33 Puttappa, P. W. 14 Shankarappa and P. W. 11 Alli Sab have seen her in the crowd before the temple that day. P.W. 19 Isakmiya states that A37 and others pursued him when he went to take shelter in the house of P. W. 7 Imam Sab and that those people had clubs. Puttappa states that A37 dragged the Amildar and beat him and P. W. 40 Daffedar Abdul Sattar 20 Sab also states that A37 beat the Amildar and questioned him (witness) if he had any cartridges. P. W. 52 states that A37 and others came and searched his house for Police and for bicycles at Chikjogihalli. This woman also dragged the Amildar and made him fall to facilitate the attack on him. A37 is therefore guilty under Section 302 of the Indian Penal Code of causing the death of the Amildar by beating 25 him along with others. Though she is a woman she has taken courage and has joined the unlawful assembly and has inflicted injuries. She denies having taken part in the affair and states that she was in the wet lands. In the face of the prosecution evidence her contention cannot be upheld.

116. *A38 Siddamma.*—P. W. 3 Gurubasaviah, P. W. 11 Alli Sab, P. W. 23 30 Mr. Zamiruddin Sheriff all swear that they saw her in the crowd. P. W. 30 also states the same. P. W. 30 Sivappa states that A38 beat the Amildar. He is not corroborated by any other witness regarding the assault on the Amildar. On a serious charge corroboration is needed; she cannot be convicted for murder. P.W. 40 Daffedar Abdul Sattar swears that A38 questioned him if he had any cartridges 35 and according to P. W. 46 the Revenue Inspector A38 also beat him along with others. P. W. 23 Zamiruddin Sheriff further is positive that A38 was guarding them when the other members of the unlawful assembly went to the village gate expecting the arrival of the military. P. W. 23 who had been tied to a pole had enough time to see this woman who was guarding them. By causing hurt to the 40 Revenue Inspector she is guilty of causing hurt. She is therefore liable to be convicted for offences under Sections 148 and 323, Indian Penal Code.

A38 denies having been present in the spot and states that she had gone to her fields that day. She is a young woman and earning her livelihood as a labourer. There is nothing improbable in her having taken part in the occurrence. She has 45 not adduced any evidence to show that she was not in the scene of occurrence. She has examined D. W 6 Mahadevappa to show that there is ill-will between her and P. W. 30 and thus on this account P. Ws. 14 and 30 have deposed against her. She and P. W. 14 seem to belong to different sub-caste of Lingayets and on the ground that her mother went and cooked in Sowcar's house a penalty had been 50 levied and that the penalty was not paid and that when her mother died P. Ws. 14 and 30 refused a burial to her and the Sowcar got her burried. P. W. 30 has denied this. This cannot be a sufficient ground for P. Ws. 14 and 30 to depose against her in this case. D. W. 6 himself had been convicted once in a case of culpable homicide and he has been fined Rs. 500. He does not appear to be a 55 reliable witness.

117. *A39 C. Lingoji.*—P. W. 3 Gurubasaviah and P. W. 31 Mohamed Dastagir speak to the fact that he was taking part in Prabhat Feris. His name finds a place in S. B. Reports Ex. P33 to 33(*b*). On that day P. W. 33 Puttappa, P. W. 30 Sivappa, P. W. 23 Mr. Zamiruddin Sheriff and P. W. 19 Isakmiya 60 have seen him in the crowd at the scene of occurrence. P. W. 28 Gutteppa has seen him in the crowd on 27th September 1942 who persuaded him to resign Government service. P. W. 33 Puttappa further states that there was a meeting in the temple on the evening of 27th September 1942 with regard to the congress activities and in that meeting A39 was present and that in that meeting

the people present resolved that men and women should work boldly and that no Government servant should be allowed inside. In that meeting A3, A5 and others and one Nagavandada Bharmanna, a resident of British India were present. He is positive that A39 was present in that crowd and that A39 had club in his hands. According to P. W. 44 Hanumanthappa, a boy of 12 years this accused A39 wrote the board M. O. 25 declaring to the Government servants that they should not enter the village and according to this witness A39 wrote some slogans on the beams of Veerabhadra temple with the chalk-piece to the effect that teak trees and sandal trees and telegraph wires should be cut, etc. This witness further states that Basavannappa told every one in the meeting that if any man of irresponsible Government came to the village he should not be allowed.

A39 is a boy of 16½ years and is a student in one of the Shimoga schools. In his statement he admits that after coming from Shimoga he started Prabhat Feris daily and that he used to go in procession in Prabhat Feri along with others and that this Prabhat Feri was started 15 days after the arrest of Mr. Gandhi. This accused admits that he wrote certain slogans in chalk-piece on the temple beams but denies that he wrote the slogan cut the 'Government servants.' and states that some one must have written that slogan out of ill-will against him. He denies having written the board M. O. 25 but admits having attended the meeting on the evening of 27th September 1942. He further states that he did not join the crowd on 28th September 1942. He admits that he was in possession of Exhibits P19 to P19(*m*) except Ex. P19(*g*), (*k*) and (*l*) and states that he only copied the messages sent from somewhere. When he has taken such a leading part in the activities of the congress and when he was present in the meeting of the previous day there is nothing improbable in his having been present in the crowd with the common objects mentioned above.

This accused has examined one witness Holeyappa D. W. 19 to show that he was not at Isoor on the day of disturbance and that he had come to Chikkapura, three miles from Isoor and that he was with him till 5 P.M. on that day. He states that A39 has a cloth shop in Isoor and that he owed Rs. 7-4-0 to A39 for having purchased cloth on credit from him and that he paid that sum to him that day. According to him A39 has kept a khate account to show this due. That khate account has not been produced. No one was present when this witness paid Rs. 7-4-0 to him. This witness is indebted to A39 as the latter has left a pair of bullocks with him for grazing for a sum of Rs. 3. He also further states that A39 stayed there to see his bullocks. These bullocks are said to have been left with him during the Dasara of 1941. Why he should have chosen that particular day to see his bullocks is not clear. I am not satisfied with his evidence. There is no doubt that A39 was in the crowd armed with clubs and though there is no evidence to show that he attacked any particular individual his presence under the circumstances explained above must be only in pursuance of the common objects of the unlawful assembly. He is therefore liable to be convicted for an offence under Section 148, I. P. C.

118. *A40 U. Gurushanthappa.*—P. W. 23 Mr. Zamiruddin Sheriff, P. W. 14 Shankarappa and P. W. 11 Ali Sab have seen him in the crowd and P. W. 11 clearly states that A40 along with A1 and A2 tied the Amildar and the Sub-Inspector to the firewood heap. A40 states that in his statement before the court that he was not in the village at the time of occurrence and that he came to the village at about 5 P.M. and that he had not committed any offence. He has examined one Vodakappa D. W. 20 to show that both of them had gone to their sugarcane field that day at about 8 A.M. and that they returned to the village at about 5-30 P.M. Their lands admittedly are about a mile or so from Isoor and is nothing improbable in his having returned in time to join the unlawful assembly. It could not have been possible for this witness to keep watch about the movements of A40. In the face of the prosecution evidence the evidence of this witness is not worthy of belief. A40 by tieing these people to the pole is guilty of an offence under Section 342, I. P. C. and for being a member of the unlawful assembly is guilty of the offence under Section 148, I. P. C.

119. *A41 R. Rangappa.*—P. W. 14 Shankarappa, P. W. 23 the Inspector Mr. Zamiruddin Sheriff, P. W. 30 Sivappa, P. W. 33 Puttappa and P. W. 40 Abdul Sattar Sab, Daffedar, all swear that this accused was in the crowd, and he was one of those that was armed with clubs. P. W. 8 Budan Sab states that this accused beat P. C. Ramiah and P. W. 33 states that this accused beat the Inspector also

and P. W. 40 Daffedar says that this accused beat him also. A41 states in his statement before the court that he knows nothing about the occurrence and he has sought to prove that he was a resident of Sirsi, Dharwar District, working as a motor cleaner there. P. W. 25 Basavannappa and P. W. 14 Sankarappa both swear that A41 was in Isoor and not in Sirsi. Both the Police Inspector P. W. 23 Mr. Zamiruddin Sheriff and the Daffedar P. W. 40 Abdul Sattar have identified this accused as being present at the scene of occurrence in the identification parade held at the District Hospital, Shimoga by the *Ex-officio* First Class Magistrate and Sub-Division Officer, Shimoga Sub-Division, Mr. Thippe Rudriah. There is, therefore, no doubt that A41 was in the crowd that day. He has caused grievous hurt to the Inspector, Daffedar and P. C. Ramiah and he is therefore guilty of the offences under Sections 333, 333 and 325 and 148, I. P. C.

120. The learned Special Public Prosecutor concedes that there is not much evidence against A15 Vittoba, A24 Thejanna, A27 Khadi Basavanniappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 C. Hutcharaya, A31 N. Sannasivappa, A33 U. Chandrasekarappa and A36 S. Veerappa.

From what I have stated above A6 Erappa, A15 Vittoba, A17 Hutcharaya Chindi, A24 Thejanna, A25 G. Gurubasavanniappa, A26 Jayappa, A27 Khadi Basavanniappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 C. Hutcharaya, A31 N. Sannasivappa, A33 U. Chendrasekarappa and A36 S. Veerappa are entitled to be acquitted.

121. The rest of the accused have caused the several offences mentioned against them and as they were members of an unlawful assembly with the common objects mentioned above and as they were guilty of the offences mentioned against them, they are also collectively liable for the offences of murder, grievous hurt, wrongful confinement and hurt to the Amildar's party and under Section 149, I. P. C. each one of them is liable for the offence of murdering the Amildar Mr. Chennakrishnappa, of Sub-Inspector Mr. Kenche Gowda, of causing grievous hurt to P. W. 23 Mr. Zamiruddin Sheriff, of grievous hurt to P. W. 40 Daffedar Abdul Sattar and of grievous hurt to P. W. 57 Ramiah and of hurt to P. W. 46 Muniappa and of hurt to P. W. 19 Isakmiya and wrongfully confining them.

122. The evidence of the several witnesses that appeared for the prosecution has been sought to be impeached by the accused in various ways but so far as I could see the witnesses have deposed in a clear straight forward and consistent manner. There is no particular ill-will alleged between them and the accused. Some trivial ill-will is sought to be proved but not successfully. These P.Ws. 3, 6, 7, 8, 11, 14, 25, 30 and 33 all deny the existence of any ill-will between them and any of the accused. They are all residents of Isoor where the occurrence has taken place and their houses are very near to the scene of occurrence as seen from the plans Ex.P54 and P57 and as such they had opportunities to see what was going on around them.

123. The house of P.W. 33 Puttappa is adjoining the temple in front of which all this has taken place and he could not have omitted to notice this occurrence. He states that at first he had closed his door and saw through the holes of the door what was going on and that he came out later and witnessed every thing. The door and walls of the house are made of thattis and the existence of the hole in the door is not improbable. P.W. 66 Sivanagappa has prepared the sketches Ex. P54 and P57 and in that sketch Ex. P57 he has shown the house of Puttappa and he states that if one sees through the hole in Puttappa's door the open verandah of the temple referred to in Ex. P54 can be seen. The occurrence has taken place in the open verandah and it is very probable that Puttappa has seen the occurrence. P.W. 3 Gurubasavappa had sufficient reason to be present at Isoor at that time though he was a resident of Gama. As I have already stated above as the Amildar had gone to his village and left it before he went there and as the Patel could not go Gurubasaviah went in place of his father who was the Patel to meet the Amildar. This Gurubasaviah's father has to be remembered is the Patel of Isoor. When he went there the occurrence had started and he was afraid to go there and he saw the occurrence from a hittal nearby. I have already discussed above the circumstances that brought about this occurrence and how the people in the village were preparing themselves to trouble the Government servants and persuading them to resign and how their action was culminated on 27th September 1942 by the establishment of a Congress Government with A26 Jaya as the Amildar. They went to the length of punishing the Patel and the Shanbhog for not having resigned their jobs. This movement seems to have gained ground under the inspiration

of Nagavandada Bharmanna, a foreigner, ably supported by the influential people of the village.

124. A10 Halámma is the wife of one of the Sowcars and A26 Jaya is the grandson of another Sowcar. These two Sowcars are brothers. There is evidence to show that one Shanthaveerappa another Sowcar and the son of Rudrappa was also taking a leading part. I do not wish to discuss the evidence regarding these sowcars as they are not before this court now and as they have to face a trial when they are arrested. The complicity in these crimes has to be judged in the trial against them in C.C. No. 2—1942-43.

125. The evidence adduced by the accused does not in any way disprove the prosecution version. It cannot be disputed that two innocent persons the Amildar and the Sub-Inspector lost their lives and six other persons got serious injuries as a result of the attack by the crowd at Isoor at about 12 NOON, on 28th September 1942. The dead bodies of those two persons and the injured persons have been removed to the Hospital by P. Ws. 15 and 16 and I have already stated above that the dead persons did not die a natural death and that they died as a result of violence. When the prosecution have established that it is these accused whom I have mentioned above that committed these ghastly crimes it lay on the accused to show that they did not do so but some others did it. But they have not shown this. It is true the accused are not bound to state who did the crimes but when there is sufficient evidence against them they have to rebut the evidence by showing that it was not they but somebody else that did this act. It is clear that the people of Isoor who had assembled there in front of the temple did this act. Most of the accused beyond pleading that they were not in the village at the time of occurrence have not shown that they were not responsible and that the prosecution evidence is not worthy of any credit.

126. A4 and A5 could not deny their presence in the spot and they plead that they had gone in search of their boys and that they got accidently gun shot injuries by the fire opened by the Sub-Inspector with his revolver. They have not shown that they had any boys who had gone to the crowd and that they went there with that object. If it was so, there was no reason for many of the prosecution witnesses including the injured persons to depose against them stating that they took part in the several crimes. There is therefore no doubt that A4 and A5 had taken part in the commission of the offences of that day.

127. A1, 2, 3, 7, 8, 9, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23, 24, 27, 29, 31, 37, 38 and 40 state that they were either out of the village or that they had gone to lands either for cultivation or grazing the cattle and they have examined some witnesses also to prove their plea. I have already stated above that in the face of the prosecution witnesses their pleas have no value. It is easy to secure a witness or two to state that each of the accused was elsewhere from Isoor at the time of occurrence and it is curious how simultaneously so many accused could have gone out of the village and their reasons for going out of the village are neither substantial nor valid.

128. A2 states that he is a resident of Churchugundi village, about two miles from Isoor. The mere fact that he was living two miles away from Isoor does not render improbable his presence at Isoor at the time of occurrence.

129. A3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 21, 22, 23, 24, 25, 27, 29, 31, 32, 33, 37, 38, 39 and 40 are all residents of Isoor. A41 states that he is a resident of Sirsi. I have already shown above that he is living in Isoor and that he was present at the scene of occurrence. A20 states that he is a resident of Kalmane. That is a village which is about five miles from Isoor. He is the brother of A3 and A5 who are admittedly the residents of Isoor. There is nothing improbable in his having been present at Isoor on that day. A11 also states that he is a resident of Kalmane. His presence at Isoor at the time of occurrence cannot be disputed as he was responsible for the custody of the watch M. O. 47 belonging to the Amildar.

130. The Chemical Examiner has certified that M. Os. 21 contain marks of mammalian blood. M. O. 20 is the gong which was kept by the villagers for sounding a warning and it was the gong used by the villagers while going in Prabhat Feri. Eight bicycles which the Amildar and his party had left at Chikjogihalli School had been taken away by the rioters. Six of them had been thrown in a tank in Isoor and two of them behind Thirthappa's hittal. The Police seized them also under mahazars.

131. P. W. 3 Gurubasaviah was present when those bicycles were seized. He was also present when the black flag, the tri-coloured flags, the gong and the board were seized. The pieces of leather belt burnt M. O. 22 were also found near the temple and they were seized as is spoken to by this witness. According to P. W. 3, A10 Halamma gave information that a revolver was in the well of her house. P. W. 47 Hutchappa states that he got down the well and on searching it he found one revolver either M. O. 17 or M. O. 29. In one place P. W. 3 and Investigating Officer and others found about 10 feet of grass near the temple burnt down. That must be the place where the clothes of the Amildar and his party were burnt down. P. W. 3 also speaks to the fact that two Police monograms M. O. 26 was found under a Nugge tree in the house of Sowcar Rudrappa and Basavannappa and that on the information given by A26 on 19th October 1942, they found two revolvers M. O. 28 and 29 hidden in the earth in a thatrani M. O. 27 (an earthen receptacle.) The records of the Patel M. O. 30 which had been kept in a bag was found in the hittal of the Sowcars Rudrappa and Basavannappa below a tamarind tree. This information leading to the discovery of M. O. 30 was given by A19 and he admits having given this information.

132. P W. 13 Gangamma found two bicyles in the hittal of Thirthappa, six days after the occurrence and she gave information to P. W. 3 Gurubasaviah and states that the Police came there later and seized the two bicycles under a mahazar and that she has attested that mahazar. The evidence of P. W. 3 is very important and it is he that gave the first information to P. W. 2 Daffedar Lingappa about the occurrence in Isoor.

133. Exhibit P6 is his complaint. In that complaint he has referred to the treatment meted to his father and Shanbhog on the previous day and to the putting up of a pendal in front of the Isoor village and to his having gone to Isoor on 28th September 1942, and having seen the dead bodies of the Amildar and the Sub-Inspector and others of the party with serious injuries and lying in critical condition. He has stated that therein that 500 or 600 people of Isoor armed with clubs have committed this Act. In this complaint he has not mentioned as to who were all present at the scene of occurrence. One could easily understand under what excitement he was giving this complaint and he could not have thought at that time to mention the names of the persons whom he saw at the occurrence. the next morning he has been examined by the Investigating Officer and he has mentioned the names of some of the accused. That the Patel and Shanbhog were deprived of their village accounts and that they were persuaded to join the congress by some of the accused cannot be disputed as they have made a report as per Exhibit P 20 and P 21 three days before the occurrence to the Amildar and to the Inspector. In Exhibit P15 these two people have referred to the incidents of 27th September 1942.

134. P.W. 41 Gurusanthappa speaks to the finding of six bicycles in a pond in Isoor. One of the Police caps worn by the Police Constable M.O. 31 was found in the hittal of one Sannarudrappa. P.W. 57 Ramiah identified this as his. P.W. 55 Dodda Basaviah speaks to the seizure of M.O. 31. The villagers had even cut the telegraph lines between Honnali and Nyamathi as is spoken to by P.W.53 the telegraph lineman.

135. The outragious assault on the Amildar and his party by the villagers over whom the Amildar exercised his jurisdiction is a serious matter. If such an outragious act is allowed to go unchecked many of the Government Officers would find it unsafe to visit the interior villages alone or even in company of a few other persons. Such lawless activities must be checked at the earliest opportunity and the persons responsible for such acts do not deserve any sympathy at the hands of the court or of any one responsible for the maintenance of law and order. In broad day light these offences have been so openly committed recklessly and mercilessly. This must have struck terror to the peaceful inhabitants of the village and of surrounding villages. Such ghastly crimes on innocent persons had not been heard of in the history of Mysore. After the mass movement started in British India some Government Officers were mercilessly attacked and killed there. The turbulant people of Isoor village have taken the law into their own hands and have attacked the Amildar and his party. By this ghastly act the confidence of the loyal public of Mysore should have been considerably shaken and the loyal people must have suffered a set back in their security. The Amildar, the Inspector, the Sub-Inspector and others went there to restore law and order as they had learnt.

that the villagers of Isoor had misbehaved towards the Patel and Shanbhog. These innocent persons never expected any attack from these people. The very fact that the Sub-Inspector alone had gone with loaded revolver shows that they did not apprehend any danger. The Sub-Inspector took this loaded revolver with a view to proceed further into jungle area where he had learnt that some bridges had been destroyed by the congress-minded villagers. Otherwise even he would not have gone with his revolver. The Revenue Inspector and Jettappa had two unloaded revolvers with them. This shows that they did not expect to make use of the revolver.

136. Though most of the accused pleaded alibi and denied their presence at the spot they suggested in the cross-examination of the several prosecution witnesses that there was provocation by the Sub-Inspector opening the fire on an unarmed crowd and that this provocation made the people attack the Amildar and his party. No evidence has been tendered by them to show that there was any such provocation. If they were innocent how they got armed with clubs immediately after provocation is not clear.

137. Not a single witness for the defence speaks to the fact that the Sub-Inspector opened fire on the innocent party and that the attack started later. All the prosecution witness speak that the Sub-Inspector opened fire only after he and the members of his party were attacked. There was no occasion for the Sub-Inspector to open fire on an innocent mob as is suggested now. They had not gone there with the object of arresting any one but had gone there to advise the people. It was suggested also during the cross-examination of the Police Constable and the Daffedar that they had made a light lathi charge on the boys that had gathered round them and that some of the boys had been injured thereby. Even on this point there is absolutely no evidence and the Police Officers and the Constables deny this lathi charge. We may therefore take it as certain that there was no provocation on the part of the Police Officers at the time they were attacked. The prosecution evidence discloses that the Sub-Inspector took out his revolver from his pouch only after he was attacked. That may be only in his self-defence. A4 and A5 have apparently received gun shots from the revolver and this fact is not disputed. They were in-patients in the Shimoga Hospital as a result of this shot.

138. P. W. 9 Dr. D. V. Subba Rao attached to Mc.Gann Hospital, Shimoga, admitted them as in-patients on 29-9-42 at 6 P.M. A4 Gurusanthappa had a circular punctured wound with a diameter of 1/8". Just below the lobule of the right ear he had another circular punctured wound with a diameter of 1/3" situated just below the right molar eminence. Similarly A5 had a circular punctured wound with a diameter of 1/8" situated 1" above the insertion of the right deltoid muscle and a similar wound with a diameter of 1/3" situated 1" above and slightly behind the posterior right auxilliary fold and P. W. 9 is of opinion that M. O. 28 could cause these injuries and that the revolver could have been fired within a range of a yard or two to cause these injuries. Ex. P25 is the Accident Register maintainad in that Hospital. Ex. P25 (a) and P25 (b) relate to A4 and A5. This witness states that he has a revolver with him and that the range of the revolver is generally a yard or two. He has noticed that the wounds in the case of both the accused were charred and that it indicated the close range of the firing.

139. The accused have examined D. W. 22 Mr. N. A. Iyengar, the District Medical Officer, Shimoga, and he is also of opinion that if the bullet passed out of the injured persons they must be nearer the fire-arm and that the injured persons should be within 2 or 3 feet of the fire-arm. It is clear from the evidence of these witnesses that the injured persons were near the Sub-Inspector when they received the injuries. They were not far off as stated by them as innocent passers-by in the midst of a huge crowd. If these people were far off the bullet could not have passed through so many people and reached them. Their proximity to the revolver shows that they must have taken active part in attacking the Amildar's party as is deposed to by several persons. Beyond that the charring of the wounds clearly indicate that they were at close quarters within the range of the revolver's shot. In Ex. P25 (a) and Ex. P25 (b) the sentence 'the wound is charred' is written in a little deeper ink than the rest of the writing.

140. The accused's counsel contended that this is a subsequent insertion introduced in Ex. P25 (*a*) and Ex. P25 (*b*) in order to probabilise the distance between the revolver and the injured persons. I do not think that it was a subsequent interpolation or that it has been inserted subsequently with a view to help the prosecution. P. W. 9 who wrote these entries has not been questioned about this

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and his explanation has not been taken though the defence counsel had two opportunities of cross-examining him. He would have given an explanation as to why it was written in a bolder ink than the rest of the writing. There is nothing to indicate that it was written long after the other writings. It is possible that the witness might have omitted to notice this and when the whole thing was completed he might have written this. Exhibit P 25 (a) and P 25 (b) were written on 29th September 1942 and in the medical certificate Exhibit P 23 and P 22 given on 22nd October 1942 the charring of the wound in the case of both the accused is noted.

141. It is clear that if the arm is loaded with a conical bullet the effect of this is that the nearer it is discharged to the body the more likely is it that the bullet will traverse the body and make apertures of exit as numerous as those of entrance, though the amount of the charge of powder and its nature have more to do with the result than anything else. It is so stated in page 496, Tailor's Medical Jurisprudence, Vol. (1), 9th Edition. It is further stated therein that the bullets from rifled weapons such as automatic pistols and revolvers, however, commonly traverse the body completely if fired at a close range. It follows from this that when the bullet goes out of the body it must have been fired at a very close range.

142. It is seen from the evidence of D. W. 12 Mr. N. A. Iyengar that there are two wounds on A4 and A5, one showing the entrance of the bullet and another showing the exit of the bullet. It is generally concluded that the marks of burning or blackening from powder grains indicate that the weapon was fired from a near distance.

143. Mr. M. Subba Rao, the learned counsel further contended that as stated in page 500 of the Medical Jurisprudence that if a weapon is fired at a close range a portion of the powder always escapes combustion at the time of discharge and each grain then acts as a pellet of small shot, contuses the skin producing ecchymosis and offen lacerating it and that there is no such trace in Accused 4 and 5. Whether the ecchymosis or a contusion of the skin existed in the wounds has not been questioned by the learned counsel when the Doctor was in the witness box. I do not think we can lay any hard and fast rule as regards the distance between the injured and the revolver by the appearance of the wound as has been stated in the Text Book quoted above. The answer with regard to such distance must be governed by the experiment performed with the alleged weapon charged as it was alleged to be charged.

144. In this case the two accused who had gun shot wounds did not go directly to the Hospital on the 28th instant. The prosecution evidence shows that P. W. 31 Dastagir Sab attended to these injuries on 28th September 1942 itself. Thirty hours after the injuries A4 and A5 got themselves admitted into the Hospital. It is therefore difficult for any one to state by the appearance of wound itself as to the range between the injured and the fire-arm. What the Doctor has observed soon after their admission to the Hospital had already been referred to above. The evidence of the eye witnesses coupled with the evidence of P. W. 9 and D. W. 22 show that A4 and A5 must have been within a yard of the range of the fire-arm when they were injured.

145. I have already stated above that when the assembly becomes unlawful, then all things done in the prosecution of the common unlawful object of that assembly are chargeable against every member thereof. The liability of every member extends not only to the acts intended by all to be done but also to those offences likely to be committed in achieving the common object. Consequently, where the common object of the assailants armed with lathis constituting an unlawful assembly is to attack two persons and in the course of the prosecution of the common object some of the assailants cause death of the persons attacked, all the assailants must be held to be guilty under Section 302 read with Section 149, Indian Penal Code. See A. I. R. 1941, Oudh, page 517.

146. Where a number of accused participate in beating a man to death under circumstances which amount to murder, Sections 302—149, Indian Penal Code, the conviction should be under Section 302 for all of them even if it cannot be said which accused was responsible for the fatal blow. See A. I. R. 1941, Lahore, 117.

147. In the present case, all the accused have been convicted for being members of an unlawful assembly and some members committed the offences of murder, hurt, grievous hurt, etc. The other members though they may not have taken part in the acts of murder, hurt, etc., are equally guilty of such offences under Section 149, Indian Penal Code. When several persons among the accused

have caused the death of the Sub-Inspector and the Amildar and though there is no evidence to show which accused dealt the fatal blow, still all the accused that have taken part in causing the death of the Amildar and the Sub-Inspector are equally liable for murder under Section 302, Indian Penal Code.

148. It was contended by Mr. Rajaratnam, the learned counsel for all the accused, that there was no premeditation on the part of the rioters while attacking the public servants and that though there, was a board there no one prevented the public servants from entering the village and that the adults came only after the gong was sounded and there is a gross exaggeration of the incident by the prosecution witnesses. Mr. Rajaratnam, during the course of the argument conceded that one of the objects of the unlawful assembly was to overawe by criminal force public servants in the exercise of the lawful power of such public servants and that their another object was to indulge in the activities which are contrary to the maintenance of law and order by the Government and their third object was committing hurt. He states that there was no idea on the part of the unlawful assembly to prevent public servants from entering the village or to commit offences of murder, grievous hurt and wrongful confinement and that the offence of rioting though true was not with deadly weapons.

149. He also argued that at the time the unlawful assembly came to attack the public servants, they had absolutely no intention to commit murder and they must have come only to cause hurt and that if any individual member or members of the unlawful assembly committed acts of murder, grievous hurt and wrongful confinement, Section 149, Indian Penal Code, cannot be made applicable to all the other members of the unlawful assembly who have not taken part in committing these offences of murder, grievous hurt and wrongful confinement. At least it is conceded by the learned counsel for the defence that there was an unlawful assembly with rioting with the common object of overawing the public servants by criminal force in the exercise of duties by such public servants and to cause hurt to such public servants and to indulge in other activities.

150. Mr. Rajaratnam does not concede that the present accused formed themselves into an unlawful assembly with the above objects but he states that if the court were to find that these or some of them were members of an unlawful assembly, the above facts must be borne in mind in dealing with them. I have already stated above how the members of this unlawful assembly wanted to run a parallel illegal administration and how they wanted to prevent public servants from entering the village in discharge of their duties. We have seen how other public servants were treated such as an Assistant Engineer, the School Master and the Police Constables. The board itself indicated sufficiently clear that the public servants should be prevented from entering the village and there is evidence that when these public servants entered the village, they have been questioned by one of the members of the unlawful assembly how they entered the village. I have already shown above that the members of this unlawful assembly had an intention of committing offences. Assuming for the sake of argument that at the time they all joined they may not have had any intention of committing murder; but when in furtherance of their common object of causing hurt to the public servants they all assaulted the public servants with clubs and firewood pieces, they must have known that by their act they were likely to cause the death of those public servants.

151. It was not one or two among the unlawful assembly that attacked these public servants and it must be more than 40 or 50 that have actually assaulted them. The other members of the unlawful assembly who did not take actual part in the assault did not prevent the other members from assaulting two of the public servants to death. They did not disassociate themselves from that act. They were aware what was going on and they continued to be in the unlawful assembly even after the death of those two persons. The case quoted above in A. I. R. 1941, Oudh, page 317, applies clearly to this case.

152. In that case also the common object of the assailants armed with lathis was only to attack two persons and in the course of the prosecution of the common object some of the assailants caused death of the person attacked, all the assailants were held to be guilty under Sections 302—149, Indian Penal Code. Similarly the case quoted above in A. I. R. 1941, Lahore, page 117, supports this view.

153. Section 149, Indian Penal Code, is quite clear on this point. It states that if an offence is committed by any member of an unlawful assembly in prosecution of the common object of that assembly or such as the members of that

assembly knew to be likely to be committed in prosecution of that object, every person who, at the time of the committing of that offence is a member of the same assembly is guilty of that offence. So even if some of the members of that assembly knew that an offence is likely to be committed in prosecution of their common object of causing hurt and even then if these members commit the offence of murder by causing grave, hurt every member of the assembly who is a member of the same assembly at the time of committing that offence is guilty of murder.

154. It cannot be said that there was no premeditation on the part of the assembly to commit murder. They must have come prepared even to commit murder as the evidence of the prosecution disclosed that most of the persons of the assembly had come armed with clubs and as stated by P.Ws. 19 and 40, the Sowcars were shouting that the public servants should be killed. It was argued that even according to some of the prosecution witnesses there were only 50 or 60 people in the crowd and that more than half of them were unarmed. I do not think we can take their evidence with that mathematical precision. Many more people, more than 200, must have been in the crowd and must have taken part in these offences; but unfortunately the Police could not get at them for want of evidence.

155. It is no doubt true that certain congress committees have been declared unlawful but not the entire congress organisation itself. So, indulging in the activities of the congress cannot be a common object as the congress by itself has not been declared an unlawful association.

156. It is true that in order to find the common object of an unlawful assembly at the beginning it is not a legitimate method merely to take all the actual offences committed by it in the course of the riot and to infer that all these were originally part of its common object but must normally be based on evidence than the mere acts themselves. I have already stated above there is evidence to show that the intention of the unlawful assembly was to kill the public servants and the consequences of their acts support this.

157. It was also contended that these members of the unlawful assembly had no intention of causing the death of the Amildar and the Sub-Inspector though by the accumulated effect of the injuries they died. But there is no doubt that they intended to cause such injuries which in all probability should have resulted in the death of those two persons. It must also be pointed out that these members of the unlawful assembly should have had knowledge that when several persons were attacking them and beating them with clubs it was inevitable that death should be the consequence of their acts. The argument of the learned counsel for the defence amounts to this. They no doubt wanted to inflict injuries which would cause hurt but they did not want those injuries to cause death. When they inflicted these injuries they must take the consequences of their action and they must be intended to take those consequences because they did not stop at giving two blows but went on giving blows till two persons actually collapsed and died. They must have known that when these two people were lying helpless gasping for water they required succour. In spite of that some of the members of the assembly further beat them and caused their death. It is unreasonable to say that these persons did not intend to cause death. They may have intended, as conceded, to cause hurt of such a nature as to cause the deaths of those persons. Therefore all the members of the unlawful assembly are equally guilty of murdering those two persons along with the persons who have actually taken part in the murder.

158. The dangerous weapon is an instrument which is likely to cause death. It must be one of which one can predict that the probable results of its use will be by virtue of its very nature—death. The evidence in this case is that the clubs similar to M. Os. 12 to 16 are used. They are instruments if used are likely to cause death. No doubt it has not been possible for the prosecution to prove that these were some of the clubs which were actually used; but the fact that M. O. 21 contained mammalian blood renders it very probable that a club of that kind was used. This club has been recovered the very next day. A dangerous weapon must be a weapon for shooting, stabbing or cutting or an instrument which used as weapon is likely to cause death. The club comes under the last description. It is quite clear that to establish a fact of an unlawful assembly prior open conspiracy need not always be proved, nor is such a conspiracy the sole test of rioting though

it may be one of the several factions that may go to prove it. What is wanted is a common object as may be gathered from direct as well as circumstantial evidence including conduct of the parties.

159. It was further argued that the common object of the assembly was not wrongful confinement of the injured and the dying persons and that only a few people committed this offence because A4 and A5 were shot and the mob apprehended that these persons who had received the gun shot would die and in case those two die, it was intended that the whole party of public servants should be burnt alive and that as this idea arose late, all the members of the assembly could not be held liable for wrongful confinement. This very argument supports the theory that the assembly had this common object also. The assembly did not wish to release these dying and injured persons before ascertaining whether A4 and A5 who had injuries by the revolver shot would die or not. Though at the time they started they may not have this common object, still in the course of the assembly they entertained this common object. The evidence is that when the other members of the unlawful assembly went out to the village gate in expectation of the arrival of the military these people were tied down. No assembly member prevented this from being done and the unlawful assembly did not disperse till that evening. It was stated that the Amildar and the Sub-Inspector were alive for half an hour even after the beating and that this negatived any intention to murder. There is no force in this argument.

160. It is stated in A. I. R. 1934, Allahabad, page 766, that when a person is found to be amongst a mob of rioters, the law presumes that he shares their common object and intention. If he does not share that common object and intention the onus is upon him to prove his innocence. What the common object and intention of a mob is can only be inferred from its actions. Thus where a mob murdered certain men the only inference which can be drawn is that the common object of the mob was murder. Therefore if any of the accused did not share that common object it was for him to prove that fact. And if his defence practically is not that he amongst the gathering of villagers was present with an innocent intention but that he was not there at all, he is bound to rebut the presumption that he shared in the common object of the mob. The principles laid down in this case apply equally to the present case. Here also the accused pleaded that they were not in the village at all and when there is prosecution evidence to show that they were in the village they should have adduced some evidence to show that that presumption does not apply to them.

161. In A. I. R. 1929, Nagapur, page 325, it is clearly laid down that where it cannot be found who among the assailants struck the blow which proved to be fatal, all the assailants can be held guilty of murder. The same view is taken in A. I. R. 1935, Allahabad, page 329.

162. Among the injuries inflicted on Mr. Chenna Krishnappa, the Amildar, we see four incised wounds and two lacerated wounds mostly on the scalp besides a number of contusions and abrasions all over the body. Mr. Kenche Gowda, the Sub-Inspector. had 33 injuries. He had some lacerated wounds and a punctured wound besides several contusions. He had fractures on the scalp in four places. These two died as a result of shock and hæmorrhage as a result of multiple injuries It may be that none of these injuries individually was sufficient to cause death but the death was due to the cumulative effect of the multiple injuries. It can therefore be held that the accused assaulted the victim with the intention of causing such bodily injuries as were sufficient in the ordinary course of nature to cause death. See A. I. R. 1938, Lahore, page 834.

163. Where one of the members of the unlawful assembly being armed with a spear commits an offence under Section 302, I. P. C., when the unlawful assembly is prosecuting its common object which is obviously unlawful, every member of the assembly is equally responsible under Section 149, I. P. C. and it is immaterial whether any member individually intended to commit that offence or not. See A. I. R. 1940, Lahore, page 53.

164. In 43, Criminal Law Journal, 1942, page 812, it is held that when a person dies as a result of what is usually called a "merciless beating", the offence is one of murder.

165. The learned counsels for the defence have quoted A. I. R. 1923, Lahore, page 43, wherein it is held that where the common intention was not to cause death

but was to cause grievous hurt the accused can only be convicted under Section 325, I. P. C. In view of the above decisions, with all respect I cannot agree with it. Moreover, I have held that the common intention was also one to cause death. The defence have also relied on a case reported in A. I. R. 1916, Lahore, page 251, wherein it is held that where death is caused by blows struck to the deceased by several accused persons and it cannot be made certain which blow was struck by an individual accused, the conviction should be under Section 325, I. P. C. But in this case there was no question of intention or knowledge. It was a mere assault which unfortunately ended in death. The present case is different from this case.

166. The Indian Penal Code edited by Dr. Nandalal, 1929 Edition, Vol. I, page 737, it is stated that if the design of all the members of a party be a common design when their purpose is a common one and some of them without the knowledge or consent of the others commits an offence, the others are involved in his guilt if the offence was committed in furtherance of the common intention.

167. From the above facts it is quite clear that the common object of the assembly was to commit murder, hurt including grievous hurt and wrongful confinement and though assuming that some of the members of the assembly may not have had any intention to commit murder, still they knew that the murder was inevitable considering the nature of the injuries inflicted by several persons on the deceased. As I have already stated above, the evidence discloses the presence of the several accused whom I have convicted. As the common objects are proved, every one of the accused who has been convicted is guilty under Section 148, Indian Penal Code, *viz.*, rioting armed with deadly weapons. Even conceding for the sake of arguments that these clubs were not ordinarily dangerous weapons, still it depends upon the circumstance and the force with which these weapons are used to find whether a weapon is a dangerous one or not.

168. It is conceded by the learned counsel that the rioting should be one punishable under Section 147 and not under Section 148, Indian Penal Code. But as I have stated above the rioting may be considered to be one armed with deadly weapons. This is an offence punishable under Section 148, Indian Penal Code.

169. As I shall show below, some of the accused have caused death of the Amildar and some have caused the death of the Sub-Inspector and some have caused hurt to P. W. 19 Isaakmiya and P. W. 46 Muniappa and some have caused grievous hurt to P. W. 23 Mr. Zamiruddin Sheriff, P. W. 32 Jettappa, P. W. 40 Abdul Sattar and P. W. 57 Ramia and some have wronfully confined the party. Apart from the individual members who have taken part in committing these offences, all the other members of the assembly though they may not have taken part in the individual offences are constructively liable for such offences for the reasons I have mentioned above. Therefore all the accused who are members of this unlawful assembly and who committed rioting are equally liable along with those that have committed the several offences for offences under Sections 302, 302, 323, 323, 333, 333, 325, 325 and 342 read with Section 149, Indian Penal Code.

170. The activities of the people of Isoor have been strengthened by the fact that Isoor has been cut off from the headquarters of the Taluk for want of a good road and responsible Government Officers of the District and Taluk have not frequently visited that place, as they should have done. Neither the Revenue nor the Police Officers seem to have visited the place frequently. The Police Inspector admittedly did not visit that place though he was in Shikarpur Taluk for over a month prior to the occurrence. The Sub-Division Officer, P. W. 17, states that he had not visited the place for three or four months prior to the occurrence. The Patel and the Shanbhog of that place were living respectively in Gama and Shikarpur. The people were emboldened on account of their secluded situation to indulge in these activities. Added to it there was outside inspiration to support this Congress movement. If the people had satisfied themselves with following the Congress creed of non-violence, this unfortunate incident would not have happened. They not only gave up the non-violence but also took to violence by threatening the Government Officers and persuading them to resign Government service and to wear khadi. They incited the people and the school children to shout slogans for hating Government officers and to cut the source of revenue by cutting the teak and timber trees, and even to kill Government servants if they ever entered the village. They punished even the village officers, the Patel and the Shanbhog. They established a parallel Government by putting up a pendal in the village gate and hung up a big board M.O. 25 with pendal warning the Government officers not to enter their village and threatening consequences if ever they entered it. These

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accused were perfectly aware that their action in having assaulted the Government servants and killing two of them would result in serious consequences to them and that the military force would be brought up to surrender them.

171. They even went to the length of preventing the military from entering the village by themselves going and waiting for them at the village gate. It is they that must have cut off the road-side trees and blocked the way for a few miles in the Shimoga-Shikarpur Road between Harogoppa and Shikarpur after committing the ghastly crimes in the evening. That such trees had been cut and the road had to be cleared before the military could go to the spot is seen from the evidence of P.W. 29, Amin Khan, a Forester stationed at Harogoppa. He states that on 29th September 1942, the road between Shimoga and Shikarpur, three miles from Harogoppa, had been blocked by cutting big trees and placing them as obstruction on the road to the carts and cars that may pass in that area, and in that particular place where the trees had been cut there was a big mound on the right of the road and deep valley on the left and that was exactly the place where a country path leads to Isoor. This witness had to collect ten or sixteen people with axes and sickles to clear the obstruction. By that time the military had come and was removing the small trees that had been cut on 29th September 1942. All this shows pre-consulted conspiracy to prevent even help reaching the injured persons. There is no doubt that on that day there was complete lawlessness in Isoor and regular disorder and pandemonium prevailed.

172. The people of the village thought that the Mysore Government had no place in their village and they ruthlessly attacked the Officers of the Mysore Government. The Police Officers and the District Magistrate could not venture to go to that village soon after the occurrence till they got sufficient Police and military reinforcement on 29th September 1942. The District Magistrate with about 20 constables was at Shikarpur that night, 28th September 1942, but as stated by the Investigating Officer, they could not go to Isoor immediately as they learnt that the people were desperate and may cause harm to them also. It is a pity that not more than 20 constables could be mustered that night. It is only a fter sufficient force arrived the next day at 2 P.M. the Police Officers and the District Magistrate were able to go to that village. By that time the entire village had been evacuated by the unruly crowd leaving behind them only three or four old women. It is only after going there on 29th September 1942 that the Police saw what havoc had been committed by these people. They found there still some clubs lying near the temple. They found the board M.O. 25 the black flag M.O. 24 and the gong M.O. 20 and the tri-coloured flags M.Os. 18 and 19. They also found the Pole M.O. 21 with blood stains and a club M.O. 16. All these they seized then.

173. Before concluding I must point out that though there were constant reports about the unlawful activities of the congress and the high handedness of the villagers were brought to the notice of the competent authorities by the Sub-Inspector and constables in their S. B. reports, no action whatever is taken. These reports extend over one month. Exhibit P26 series are the reports sent by the deceased Kenche Gowda himself between 24th August 1942 and 25th September 1942. Exhibit P26 relates to the incident of 24th August 1942. In that the Sub-Inspector has reported that the people of Isoor held a meeting condemning the British, to make India free and to strike in the schools and colleges and not to fear the Government and Police Officers and not to pay the land revenue to Government. Similarly in the S. B. report of 24th August 1942 as per Exhibit P26 (a) he has reported the activities of these villagers. In Exhibit P26 (a) it is seen that the people of Isoor had resolved not to pay license for getting trees from the jungle and that the Government officers should not be treated properly and that no Government revenue should be paid. The leaders of this movement have been mentioned there. In Exibit P 26 (b) it is reported that the village of Isoor collected Rs. 22 for the congress fund and proceeded to the leading villages to preach and to pick the schools, etc. Exibit P 26 (c) relates to the activities of 6th September 1942, when P. W. 3 Gurubasaviah gave a report on 6th September 1942 about the activities in Isoor. The Sub-Inspector in this exhibit has stated that Gurubasaviah is a man of no principles. Exhibit P26 (d) is the report dated 16th September 1942 in which the people of Gama are reported to have decided that the Shanbhog's and Patel's books should be snatched and burnt. Exhibit P 26 (b) is the report dated 28 August 1942. In this the Sub-Inspector has reported the damage of a culvert in Harogoppa road and that Sowcar Basavannappa, P. W. 3 Gurubasaviah and others were responsible for this. It is stated

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therein that if they were allowed to go unchecked, unseen consequences might follow and that they should be rounded up. He has reported therein that a bridge near Balur had been cut in the middle of the arch and made useless for traffic. On 25th September 1942, it is again reported that another bridge is damaged on the Honnali-Shikarpur road and that a notice had been put up as per Exhibit P 26 (e) in a school threatening the teacher that if he allowed the boys to the school the life of the teacher would be in danger. Similarly P. W. 18, P. C. Suryanarayana Rao has made reports on 24th August 1942, 27th August 1942 and 28th August 1942 as per Exhibit P 33 series. It is curious that in spite of such alarming reports none of the authorities took any action and if these reports had been considered and suitable action taken in time, this calamity may have been averted in all probability. Isoor is not very far off from Shikarpur. The activities of those people were well-known. It was found that Sowcar Basavannappa was not a desirable person to hold the license for fire arms and that had been cancelled in the early part of the year and his fire arms had been seized and deposited in the Police Station. Still no action was taken. When the Patel and the Shanbhog made a report as per Exhibits P 20 and P 21 about the loss of the account books, the Amildar referred the matter to the Inspector and the Inspector to the Sub-Inspector.

174. It cannot be disputed that the village of Isoor and surrounding villages were pro-congress and the slogans uttered by them showed their utter hatred of Government servants and their intention of paralysing the daily administration. Exhibit P 18 shows the several slogans found on the beams of the temple to inspire the people who read them to hate the existing Government. No explanation has been forthcoming as to how the officers responsible for action on the S. B. reports did not take timely warning and action. It was unfortunate that the Amildar, the Inspector and others who knew the state of feeling in the village of Isoor should have gone without sufficient force to the village in their attempt to pacify the people and to get back the account books of the Patel and Shanbhog. The reason for going thus may be attributed to the fact that the Inspector was new to the Taluk and the Amildar and the Sub-Inspector were still young and they could not think that the villagers would really be so furious as to keep up to their resolve of ill-treating and dishonouring the Government servants.

175. The board put up in front of the village no doubt gave them a warning that serious consequences would follow if they entered the village; but they did not attach much value to it and they thought that if they entered the village and persuade the people to behave more orderly they would gain the object of their visit. The movement no doubt started with the boys going in Prabhat Feri every morning but it did not stop there. The elders encouraged such processions and they themselves held the meetings and went on inciting the villagers for creating contempt against the Government servants and for encouraging non-payment of taxes and for cutting useful trees such as teak and sandal. Two young and innocent men that went to the village have lost their lives in the discharge of their duties and six others have been severely injured. They have lost everything they had on their bodies that day except a short and a banian. It is difficult to understand the fury of the crowd that day. They were not satisfied in killing the two individuals and in causing serious injuries to others. They even wanted to burn all the injured and the dead.

176. That at the sound of the gong hundreds of people should have assembled, both men and women and children, shows the hold of the leaders on the villagers as well as the feeling of the villagers against the Government servants. The prosecution evidence as well as the defence evidence do not in the least show that the Government servants that entered the village were least aggressive in any way. On the other hand the evidence discloses that they were calm and when things reached a climax they even appealed to them with folded hands to be reasonable. This appeal was answered by blows from the clubs.

177. The very fact that the entire village had been evacuated goes to show that the whole village had taken part in this ghastly affair and that apprehending that the Police might be after them they all ran away. Even a few innocent persons in that village must have run away either under the influence of the leaders to prevent any evidence being got from them or they must have gone away out of fear. The evacuation of this unruly mob from the village was facilitated by the fact that there was an interval of over 24 hours for the Police to go to the

scene of occurrence. That the villagers were preparing themselves for such an attack is seen from the fact that they were removing the telegraph wires, cutting bridges and threatening the public servants and setting students to boycott schools.

178. The more surprising thing is that women were forced to enter into this movement by the influential men of the village. It is how we find that A10, A37 and A38 who are women have been implicated in this case. A10 is the wife of Sowcar Basavannappa.

179. It was suggested by the learned counsel for the defence that the Inspector had stated that a woman, short and thin, with two nose screws attacked him and others of the party and that A10 was not that person as she wears only one nose screw. It is true that before the Investigating Officer the Inspector identified her like that. It is seen now that she has only one nose screw. Though she has a hole on either of the nose for having two nose screws one appears to have filled up by non-use. The other descriptions of the woman tally with the Inspector's descriptions. Besides the Inspector, many others have seen her in the crowd taking part in the several crimes referred to above. Her presence and the part played by her cannot be disputed.

180. It now remains for me to consider the question of punishment. The punishment in a case of this kind should be severe to prevent the recurrence of such crimes. There are absolutely no extenuating circumstances in favour of any of the accused whom I have convicted for murder except in the case of A10 and A37. They are women and by nature they would not have taken part in such a ghastly and diabolical crime unless they were obliged to do so by the male members of their household or of the unlawful assembly. In their case a sentence of death is not called for. I therefore sentence A10 and A37 to transportation for life. In the case of others that have taken actual part in committing the offence of murder of the Amildar and the Sub-Inspector, the extreme penalty of law, *viz.*, capital sentence is called for.

181. In the case of others who are equally guilty of murder read with Section 149, I. P. C., the ends of justice would be met if the lesser of the two sentences prescribed under Section 302, I. P. C., is awarded.

182. Before concluding, I desire to place on record the promptness with which the Police Officers entrusted with the investigation of the case proceeded and traced the offenders and placed charge sheet. Within 17 days of the occurrence the charge sheet had been placed in the court. I must acknowledge the great assistance derived from the Public Prosecutor in his presentation of the facts of the case while conducting the prosecution.

183. A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A6 Erappa, A8 Halappa, A9 Sankarappa, A10 Halamma, A11 Siddalingappa, A12 N. Durgappa *Urf* N. S. Durgoji, A13 N. Ramanna, A17 A. Hucharayachindi, A20 Nageshachari, A22 P. Chennabasappa, A37 Parvathamma, A38 Siddamma, and A40 U. Gurusanthappa are charged with the murder of Mr. Chennakrishnappa. I have held above that A9 Sankarappa, A12 N. S. Durgoji, A13 N. Ramanna, A17 A. Hucharayachindi, A38 Siddamma, and A40 U. Gurusanthappa are not guilty of the murder of Mr. Chennakrishnappa. They are therefore acquitted of the charge of murder against them. A1 K. Gurappa, A2 Mallappa, A3 Suryanarayanachari, A8 Halappa, A10 Halamma, A11 Siddalingappa, A20 Nageshachari, A22 P. Chennabasappa, and A37 Parvathamma are guilty of murdering the Amildar, Mr. Chennakrishnappa under Section 302, I. P. C. I therefore sentence these persons except A10 and A37 to death to be hanged by the neck until they are dead. A10 and A37 are sentenced to transportation for life.

184. A1 K. Gurappa, A2 K. Mallappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappachari, A6 Veerappa, A7 Hutcharaya, A8 Halappa, A9 Sankarappa, A11 Siddalingappa and A40 Gurusanthappa are charged with the murder of the Sub-Inspector, Mr. Kenche Gowda. A6 Erappa and A40 U. Gurusanthappa are acquitted of the charge of murder of Mr. Kenche Gowda as stated above. I therefore convict A1 Gurappa, A2 K. Mallappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappachari, A7 Hucharaya, A8 Halappa, A9 Sankarappa and A11 Siddalingappa for an offence under Section 302, Indian Penal Code, for the murder of Mr. Kenche Gowda and sentence them to death to be hanged by the neck until they are dead.

185. A1 K. Gurappa, A2 Mallappa, A10 Halamma, A18 Neelakantappa A21 C. Subbaraya and A41 A. Rangappa are charged under Section 333, Indian,

Penal Code for causing grievous hurt to Mr. Zamiruddin Sheriff, the Inspector of Police. As stated above, I have acquitted A21 C. Subbaraya of this charge. I find A1 K. Gurappa, A2 K. Mallappa, A10 Halamma, A18 Neelakantappa and A41 A. Rangappa guilty under Section 333, Indian Penal Code, and sentence them to undergo R. I. for a period two years.

186. A12 N. Durgappa *Urf* N. S. Durgoji, A22 P. Chennabasappa, A23 M. Veerabasappa, and A41 A. Rangappa are charged for an offence under Section 333, Indian Penal Code, for having voluntarily caused grievous hurt to P. W. 40, Abdul Sattar, Daffedar, while in the discharge of his duty as such public servant, I find them guilty under Section 333, Indian Penal Code, and sentence them to undergo R. I. for a period of two years.

187. A1 K. Gurappa, A2 K. Mallappa, A9 Sankarappa, A11 Siddalingappa, A13 N. Ramanna, and A21 C. Subbaraya are charged for having voluntarily caused grievous hurt to P. W. 32 Police Constable Jettappa, an offence punishable under Section 325, Indian Penal Code. I have acquitted A21 C. Subbaraya of that charge as stated above and convict A1 K. Gurappa, A2 K. Mallappa, A9 Sankarappa, A11 Siddalingappa and A13 N. Ramanna under Section 325, Indian Penal Code, and sentence them to undergo R. I. for two years.

188. A23 M. Veerabasappa and A41 Rangappa are charged for causing grievous hurt to P. W. 57 Ramiah, Police Constable, an offence punishable under Section 325, Indian Penal Code. A23 M. Veerabasappa has been acquitted of that charge. A41 A. Rangappa is therefore convicted under Section 325, Indian Penal Code, and sentenced to undergo R. I. for a period of two years.

189. A21 Subbarayappa is charged with the offence under Section 323, Indian Penal Code, for having caused hurt to P. W. 19 Isaakmiya, Police Constable. He is therefore convicted under Section 323, Indian Penal Code, and sentenced to undergo R. I. for one year.

190. A1 K. Gurappa, A25 G. Gurubasavanniyappa and A38 Siddamma have been charged for causing hurt to P. W. 46 Revenue Inspector Muniappa, an offence punishable under Section 323, Indian Penal Code. A25 G. Gurubasavanniyappa is acquitted of that charge. I therefore convict A1 Gurappa and A38 Siddamma under Section 323, Indian Penal Code, and sentence them to undergo R. I. for a period of one year.

191. A1 K. Gurappa, A2 Mallappa, A20 Nageshachari, A21 Subbaraya and A40 U. Gurusanthappa are charged for an offence under Section 342, Indian Penal Code, for wrongfully confining the deceased Mr. Chennakrishnappa, the deceased Mr. Kenche Gowda and P.Ws. 23, 40, 32, 46 and 57. I find them guilty under Section 342, Indian Penal Code, and convict and sentence them to undergo rigorous imprisonment for a period of one year.

192. All the 41 accused except A14 K. Hutcharaya, A32 G. Sivappa, A34 A. Gowda Ramanna and A35 G. Basanna who have been discharged are charged for an offence under Section 148, Indian Penal Code. I have acquitted A6 Erappa, A15 Vittoba, A17 A. Hucharayachindi, A24 Thejanna, A25 G. Gurubasavanniyappa, A26 Jayappa, A27 Khadi Basavanniyappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 C. Hutcharaya, A31 N. Sannasivappa, A33 U. Chendrasekarappa and A36 S. Veerappa of all the charges against them. The rest of the accused A1 K. Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappachari, A7 Hucharaya, A8 Halappa, A9 Sankarappa, A10 Halamma, A11 Siddalingappa, A12 N. Durgappa *Urf* N. S. Durgoji, A13 N. Ramanna, A16 Hanumantha, A18 Neelakantappa, A19 N. Hanumanthappa, A20 Nageshachari, A21 C. Subbaraya, A22 P. Chennabasappa, A23 M. Veerabasappa, A37 Parvathamma, A38 Siddamma, A39 Lingoji, A40 U. Gurusanthappa, and A41 A. Rangappa are convicted for an offence under Section 148, Indian Penal Code, and sentenced to undergo rigorous imprisonment for a period of two years.

193. Of the abovesaid accused, except A1 Gurappa, A2 K. Mallappa, A3 Suryanarayanachari, A8 Halappa, A10 Halamma, A11 Siddalingappa, A20 Nageshachari, A22 P. Chennabasappa and A37 Parvathamma, the rest of the accused are guilty under Section 302 read with Section 149, Indian Penal Code, for being members of an unlawful assembly in which some of their members as stated in charge No. (11) committed murder of Mr. Chennakrishnappa and are sentenced to undergo transportation for life.

194. A10 Halamma, A12 N. S. Durgoji, A13 Ramanna, A16 Hanumantha, A18 Neelakantappa, A19 N. R. Hanumanthappa, A20 Nageshachari, A21 Subbarayappa, A22 Chennabasappa, A23 Veerabasappa, A37 Parvathamma, A38 Siddamma, A39 Lingoji, A40 Gurusanthappa and A41 A. Rangappa are convicted for an offence under Section 302 read with Section 149, Indian Penal Code, for being members of an unlawful assembly in which some of the members A1 to A5, A7, A8, A9 and A11 committed murder of Mr. Kenche Gowda and sentenced to undergo transportation for life.

195. A3, 4, 5, 7, 8, 9, 11, 12, 13, 16, 19, 20, 21, 22, 23, 37, 38, 39 and 40 are further convicted for an offence under Section 333, Indian Penal Code read with Section 149, Indian Penal Code, for being members of an assembly in pursuance of the common object of which A1, 2, 10, 18 and 41 committed grievous hurt to P.W. 23 Mr. Zamiruddin Sheriff, a public servant in the discharge of his duties and sentenced to undergo rigorous imprisonment for two years.

196. Accused 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 16, 18, 19, 20, 21, 37, 38, 39 and 40 are also convicted for an offence under Section 333, Indian Penal Code read with Section 149, Indian Penal Code, for having caused grievous hurt to Daffedar Abdul Sattar when some of the members of the assembly A12, 22, 23 and 41 caused grievous hurt to the said Daffedar in prosecution of the common object of the assembly. They are convicted and sentenced to two years rigorous imprisonment.

197. Accused 3, 4, 5, 7, 8, 10, 12, 16, 18, 19, 20, 21, 22, 23, 37, 38, 39, 40 and 41 are convicted for an offence under Section 325, Indian Penal Code, read with Section 149, Indian Penal Code, as they have been members of the unlawful assembly in the prosecution of the common object of which A1, 2, 9, 11 and 13 caused grievous hurt to P.W.32 Constable Jettappa and I sentence them to undergo rigorous imprisonment for two years.

198. Accused 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 18, 19, 20, 21, 22, 23, 27, 38, 39 and 40 are convicted for an offence under Section 325, Indian Penal Code, read with Section 149, Indian Penal Code, and sentence them to undergo rigorous imprisonment for a period of two years as being members of an unlawful assembly in the prosecution of the common object of which A41 Rangappa caused grievous hurt to P.W. 57 Ramiah.

199. Accused 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 18, 19, 20, 22, 23, 37, 38, 39, 40 and 41 are convicted for an offence under Section 323, Indian Penal Code, read with Section 149, Indian Penal Code, as being members of an unlawful assembly in the prosecution of the common object of which A21 caused hurt to P.W. 19 Isakmiya and sentenced to undergo rigorous imprisonment for one year.

200. Accused 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 18, 19, 20, 21, 22, 23, 27, 39, 40 and 41 are convicted for an offence under Section 323, Indian Penal Code, read with Section 149, Indian Penal Code, as being members of an unlawful assembly in the prosecution of the common object of which A1 Gurappa and A38 Siddamma caused hurt to P.W. 46 Muniappa and they are sentenced to one year's R. I.

201. Accused 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 16, 18, 19, 22, 23, 37, 38, 39 and 41 are convicted for an offence under Section 342, Indian Penal Code, read with Section 149, Indian Penal Code, for being members of an unlawful assembly in the prosecution of the common object of which A1, 2, 20, 21 and 40 committed the offence of wrongful confinement and sentenced to undergo rigorous imprisonment for a period of one year.

202. In the case of those who are not sentenced to death, the sentence of imprisonment awarded shall run concurrently with the sentence of transportation for life.

203. A6 Erappa, A15 Vittoba, A17 Hutcharayachindi, A24 Thejanna, A25 Gurubasavanniyappa, A26 Jayappa, A27 Khadi Basavanniayappa, A28 Patel Gurusanthappa, A29 G. Sannarudrappa, A30 C. Hutcharaya, A31 N. Sannasivappa, A33 U. Chendrasekarappa and A36 S. Veerappa are acquitted of all the charges against them and I therefore direct that they may be set at liberty forthwith.

204. A1 Gurappa, A2 Mallappa, A3 Suryanarayanachari, A4 Gurusanthappa, A5 Paniappachari, A7 Hutcharaya, A8 Halappa, A9 Sankarappa, A11 Siddalingappa, A20 Nageshachari and A22 Chennabasappa are sentenced to death for the murder of both the Amildar and the Sub-Inspector Messrs. Chennakrishnappa and Kenche Gowda as stated above. A10 Halamma and A37 Parvathamma are sentenced to transportation for life for the offences mentioned above.

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205. Under Section 7 of the Special Criminal Courts Act, the proceedings of this case have to be submitted for review by a person nominated in this behalf by Government. The death sentence shall not be executed till a decision is given by that person. The proceedings of this case shall be submitted to him.

206. M. Os. 1 to 11 are blood stained cloths. M. Os. 12 to 16 are clubs and bamboo sticks. They will be destroyed. M. O. 17, the revolver will be given to the Police of Shikarpur for keeping it in deposit until further orders of the District Magistrate. M. Os. 18 and 19 congress flags will be destroyed. M. O. 20 gong of the temple will be returned to Veerabhadradevaru temple. M. O. 21 and 27 will be destroyed. M. Os. 22 and 23 are burnt pieces of belt and bamboo sticks. They will also be destroyed. M. O. 26 are the Police Monograms. They will be returned to P. W. 40 who identifies one of them as his. M. O. 28 revolver belongs to the Government. They will be returned to the Shikarpur Police. M. O. 29 is a revolver belonging to P. W. 46 Muniappa. It will be returned to him. M. O. 30 the records of the Patel will be returned to Chennabasaviah. M. O. 31 a Police Cap will be returned to P. W. 57 Ramiah as it belongs to him. M. O. 32 is the bicycle of the Amildar and it will be returned to his widow. M. O. 33 is the Revenue Inspector Muniappa's bicycle and it will be returned to him. M. O. 34 another bicycle is one of the properties in Crime No. 14—42-43 of the Shikarpur Police and it will be given to the Shikarpur Police. M. O. 35 is the bicycle belonging to P. W. 41 Gurusanthappa and it will be returned to him. M. O. 36 belongs to P. W. 40 and it will be returned to him. M. O. 37 the bicycle of the Sub-Inspector will be returned to his widow. M. O. 38 belongs to P. W. 12 Devappa and will be returned to him. M. O. 39 is a box containing cartridges belonging to Government. They will be returned to the Shikarpur Police. M. O. 40 the gold ring and M. O. 42 wrist watch with chain and M. O. 41 belong to the deceased Sub-Inspector Mr. Kenche Gowda and they will be returned to his widow. M. O. 43 is a bicycle belonging to P. W. 27 Siddappa. It will be given back to him. M. O. 44 is a whistle and M. O. 45 a barrel of a fountain pen and M. O. 46 is a piece of sadi. No one has laid claim to these material objects. M. O. 44 will be handed over to Shikarpur Police. M. Os. 45 and 46 will be destroyed. M. O. 47 is a wrist watch belonging to the deceased Amildar. It will be handed over to his widow. M. O. 48 is the pouch of M. O. 28 the Government revolver. This will be handed over to the Shikarpur Police.

207. As these material objects mentioned above are required in connection with another crime against the absconding accused in C. C. No. 2—1942-43, on the file of this court, they will be returned only after the disposal of the said case.

Dictated to the Stenographer and pronounced in open court.

(Sd.) A. SUNDARARAJA RAO,
Special Judge,
5-12-1942.

List of material objects produced in the case.

No. 1 to 11 are blood stained.

M. O.	1	Torn white net banian
„	2	Do
„	3	White knicker (torn)
„	4	Do
„	5	Khaki trousers
„	6	Torn white banian
„	7	Torn striped shirt
„	8	Torn banian white
„	9	Torn white knicker
„	10	Torn shirt
„	11	Torn banian
„	12	Clubs
„	13	Clubs
„	14	Clubs
„	15	Clubs
„	16	Bamboo stick longer than the above.
„	17	Revolver
„	18	National Flag
„	19	Do
„	20	Bronze gong
„	21	ಕತ್ತಿ
„	22	Piece of burnt belt
„	23	Burnt pieces of bamboo sticks
„	24	Black Flag
„	25	Wooden plank (board)
M. O.	26	Monograms "MSP."
„	27	Tatrani
„	28	Revolver
„	29	Do
„	30	One bundle in a paper packet containing the records of the Patel.
„	31	Police Kulla
„	32	Six bicycles
„	33	Six bicycles
„	34	Six bicycles
„	35	Six bicycles
„	36	Six bicycles
„	37	Six bicycles
„	38	Cycle of the Compounder
„	39	One packet containing 17 cartridges.
„	40	Gold ring
„	41	Whistle with cord
„	42	Wristwatch and chain
„	43	Cycle
„	44	Whistle (brass)
„	45	Tube (fountain pen barrel)
„	46	Cloth
„	47	Amildar's wristwatch
„	48	Revolver pouch

a. 22 20 66
A_1 - Gurreppe, A_2 - Mellepppe, A_3 - S'nerzgenachai,
36 22
A_8 - Helippe, A_9 - Sarkenppe : death sentence confirmed.